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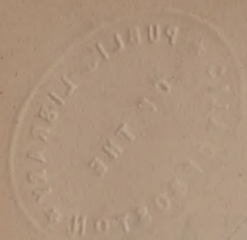
REVIEW.

VOL. CXVIII.

Tros Tyriusque mihi nullo discrimine agetur.

BOSTON:
JAMES R. OSGOOD AND COMPANY,
LATE TICKNOR & FIELDS, AND FIELDS, OSGOOD, & Co.
1874.

NOV 10 1964



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N7
Vol. 118

178.996

June 2/75

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CAMBRIDGE.

NORTH AMERICAN REVIEW.

No. CCXLII.

JANUARY, 1874.

ART. I. — *The English Constitution.* By WALTER BAGEHOT.
New and Revised Edition. Little, Brown, & Co. 1873.

IN the extensive range of modern inquiry and experiment it may safely be asserted that there is no subject of more momentous importance than this: What form or organization of government will give the greatest amount of individual liberty and independence consistent with the due maintenance of peace, order, and morality, and the necessary respect for the rights of others? In other words, how are mankind to be preserved from the excesses of the French Revolution and of Communism on the one hand, and on the other from being forced to part with their property without volition of their own, for the mere purpose of nursing the luxury and the passions and of fighting the battles of their rulers, whether these be one or comparatively many? We do not speak of discussions upon liberty, equality, and fraternity, nor upon the divine right of kings, or of the richer and so-called wiser classes to govern the dumb multitude, but of such concrete social arrangements as shall secure the greatest possible amount of happiness and well-being for the greatest number of individuals, irrespective of their situation in life, which is consistent with the indisputable imperfections of human nature. Without, therefore, going so far as to accept the saying that religion and government are the only two things worthy the attention of a wise man, we

place with confidence the study of constitutional history, provided it be conducted with a view to practical results, in the very first rank among sciences; but the proviso is a material one. The field of inquiry is so limited that inferences can hardly be established, just as in natural science, if experiments are limited to a few instances, it is impossible to separate what is essential from what is accidental. The only case in which anything which answers to the modern idea of a constitution has stood the test of any considerable period of time is that of Great Britain.

The experience of antiquity is of very little practical value to the present age. The two discoveries of gunpowder and the art of printing have, apart from all else, changed too completely the conditions of human life; and when we add such elements as steam, telegraphy, and the post-office, it is evident that a history needs to be very continuous which can bring much light from the past to cast it upon the future. The Cortes of Spain and the States-General of France did indeed cover the germs of individual liberty; but in the one case Ferdinand and Isabella, and in the other Louis XI., stifled them, and established that personal rule of which the effects have been amply demonstrated in our own times. The governments of Switzerland and the Netherlands approach more nearly the typical form, but both have too much the character of a close corporation to be of practical value. Even in England the boasted liberty of the past is far from what we call popular. Magna Charta was a Norman instrument. It secured the right of the barons, but not of the people, of England, and the practical slavery in which it left the Saxon race continued with little amelioration to a very recent date.

The present century has, no doubt, been fertile in constitutional examples as far as number is concerned. To the determination of their quality and value the essential element of time is wanting, except where a brief space has been sufficient to demonstrate their utter futility. The oldest as well as the most successful of these modern creations is, of course, the Constitution of the United States. To it the eyes of the world are directed, and it may be said with sufficient accuracy that all constitutional discussion turns upon its merits as compared with that of Great Britain.

In instituting a comparison upon this point, the most obvious danger is of confounding the accidental with the essential ; in other words, of judging by the actual social condition, instead of by the merits of the governmental machinery. Thus throughout the Northern States, at least, an accurate survey would indicate, without doubt, a far greater average prosperity, as well as a more general distribution of wealth, than in Great Britain. But this may be, in the one case, simply the effect of a more limited population in proportion to the means of subsistence ; and, in the other, to the existence of certain laws and customs in Great Britain which have come down from past centuries, but have never gained footing in our new country. Doubtless these laws and customs may determine the advantages of either country as a place of residence, but they do not affect the question of the excellence of a system for dealing with the complex problems of modern civilization. Again, the percentage of the population who can read and write is much greater in the United States than in Great Britain. Yet this may prove only that the conditions of life in this country admit of more time being given to the education of children, or that religious differences in Great Britain have created an inherited obstruction which we have been fortunate enough to escape. The true basis of comparison seems to be, not that of actual circumstances, but of the relative degree of efficiency with which the governments have dealt with complicated difficulties as they have arisen. From this point of view the change from a very bad state of things to one which, though much better, is still very imperfect, implies much greater merit and efficiency than the change from a highly desirable condition to one which is worse, even though the better may present nothing very bad. Lines may be drawn from two points, one of which is much higher than the other ; yet if one line is constantly rising, while the other is falling, their positions will in the end be entirely reversed, notwithstanding that the first line may long retain its superiority. The direction is the element to be studied as an index to the future.

Such an investigation is not tempting to one who courts the popular favor. I do not refer to the thoughtless crowd who cry out " Our country, right or wrong ! " and whom demagogues,

for their own purposes, stimulate to contempt and jealousy of foreign countries. There are many men of intelligence and thoughtfulness who, animated by respect for the founders of the Republic, by the splendor of material prosperity, by the grandeur of equality of all men before the law, and by the undoubtedly high average character of our people as compared with all others, refuse to see any political defects, and are impatient of any criticism; regarding it as the work of a querulous, dissatisfied, and unpatriotic spirit, which, instead of gratitude for actual benefits enjoyed, expends itself in envy even of those who are less fortunate. But just as the study of disease is necessary to the knowledge of the human frame, and as the closest scrutiny is a condition of the successful working of any untried theory or invention, it is certainly better to err on the side of over-criticism than on that of negligent security, especially in view of the tremendous strain which our institutions are undergoing from recent unprecedented strides in wealth and population. If, on the basis of comparison above stated, we consider the actual present condition of Great Britain relatively to that which existed at the close of the Napoleonic wars in 1815, we shall behold a spectacle unequalled in the history of the world. Other nations, starting from a sparse population and a state of primitive society, have through a vigorous organization reached high material prosperity with a large measure of individual liberty. Such are the instances of Athens and Rome under the Republic; of Venice and some of the early Italian governments. Other nations, again, have through fierce internal commotions, as France, or by fighting a foreign oppressor, as Switzerland and modern Italy, thrown off the power of aristocracy and the traditions of the feudal ages. Great Britain alone, with one of the densest populations in Europe, with vested privileges and traditions as firmly rooted as in any European country, has, within little more than half a century, passed from a political condition in which the mass of the people had hardly any rights which were regarded to one in which the meanest subject is relatively as well protected as anywhere in the world; and this without any serious political convulsion, but by a steady process of peaceful internal reform. We believe that the condition of the common people in Eng-

land at the commencement of this century was little better than that of the French when the Revolution broke out. The upper classes, it is true, were protected against the despotic rule which prevailed in France, and had not degenerated so much as the French by being shut out from political life. But the boasted liberties of the Englishman were all for the rich. The multitude were as completely dumb cattle as the peasantry of France, and signs were not wanting that like causes were leading to like results. The clearest minds saw that the alternative lay between peaceful reform and a convulsion which, though it might differ in form from that of France, could hardly stop short of the overthrow of the ancient structure of society. The struggle for parliamentary reform was a grander battle for human freedom than either Marathon or Bunker Hill. An aristocracy which, if, through the custom of primogeniture, it was graded down to the middle classes, was yet, as regards the people, as exclusive and imperious as its Continental compeers, was compelled, through the simple pressure of public opinion, to surrender peaceably, on behalf of classes which were reckoned only by numbers, privileges which they held to be as completely their own as their silver plate, and the abolition of which seemed to them equivalent to the subversion of the British Constitution. We believe that, when looked at from the next century, this will be marked as the turning-point of English history. From it has followed, in regular and almost unbroken sequence, that series of magnificent reforms which fairly entitle the English governmental machinery to the first place in ancient or modern times. There is no country where land-owners have been more firmly banded together in support of the protection which they thought essential to their agriculture; yet the Corn Laws were peacefully repealed. Nowhere have the prejudices against Rome been more bitter or widespread; yet every shadow of discrimination against Catholics has been removed. The differences between religious sects have been almost fatal to education; yet slowly and surely the battle is fighting and the obstacles are clearing away towards general and compulsory attendance at school. A still wider extension of the suffrage has lately been granted, together with the use of the ballot, and many and gloomy are the predictions of the

consequences of giving power to the mob. Yet they are slight compared with the forebodings which accompanied the reform of 1832, and there seems no reason why the latest should not prove as ill founded as the earlier. And all this has been done with a population crowding closely at all times upon the means of subsistence, and where political experiments involve the life or death of thousands. Under the burden of enormous debt, and with a revenue seldom exceeding expenditure by more than one or two per cent, the whole system of taxation has been remodelled, and so adjusted as to give the maximum of revenue with the minimum of pressure, and greatly increased fairness between the rich and the poor.

We could readily exhaust our space upon this branch of the subject, but must turn to the experience of the United States. The page is equally voluminous, but we must confess with deep reluctance by no means so satisfactory. We earnestly deprecate the charge of undue admiration for English society or institutions. We have, on the contrary, an almost passionate enthusiasm for this first great experiment of democracy and universal suffrage. But, on that very account, we would examine with more jealous care and criticism the tendencies which are manifesting themselves; whether the experiment has thus far proved a success; and whether the signs of weakness, if any, are owing to inherent or extraneous causes. The point to be first insisted upon is the extraordinarily favorable circumstances under which the system was first launched. A new country, whose boundless resources for the support of man had served only to furnish a few scattered savages with the fruits of hunting and fishing, was handed over to a race one of the foremost in civilization. Most of the inhabitants were among the best specimens of that race; and if some were of a worse class, the inducements to industry and sobriety were such as speedily to raise the average level of the people above that, perhaps, of any other in the world. The excellence of the Constitution is therefore by no means to be finally inferred from the happiness and prosperity of the people; as the writer who is the occasion of this essay remarks, "The people of Massachusetts could live under any constitution." With every respect, therefore, for the wisdom of our fathers, we submit that

the work has no claim to the sacredness of inspiration. It must be tried by the hard logic of results. The strain upon it is only just beginning, and it seems hardly necessary to point out the importance of critically examining the symptoms of the effect of that strain, which cannot fail to be constantly on the increase. We cannot too urgently repeat that the test is not to be found in the comparison of the state of our society with that of others. In the case of Great Britain we have compared her condition with that of fifty years ago. Even this test will not apply to the United States, because it might be replied that a change for the worse may be owing to the increase of our nation and the influx of foreign population, to the corrupting effect of increased riches, or the dangers of increasing pauperism. What we have to do is to examine how our machinery and institutions have succeeded in dealing with the social and political questions which make up the life of a great nation; what results have been accomplished in the past, and what are foreshadowed in the still graver complications of the future. Such questions have existed for centuries in their full magnitude with other nations. In our perhaps too fortunate country, the close of one century shows them just beginning to take form and shape.

Mr. Charles Francis Adams, in his eulogy upon Mr. Seward, has well remarked that Federal politics during the first quarter of a century turned almost wholly upon foreign relations. Internal affairs flowed on so quietly that the influence of the general government was hardly noticed. One of the first events of national importance may well be likened to the opening of Pandora's box, — the adoption of the maxim, "To the victors belong the spoil," and the employment of public officers, down to the lowest grade, as the basis of party success. To what portentous development this system has attained, and how threatening it is to the future of the country, need not here be specified. Some apparent steps have been taken towards civil-service reform, but it will hardly be asserted that they have accomplished much as yet; while as to the future, we believe that they are wholly delusive, being a mere surface treatment for an evil which, as we have elsewhere endeavored to explain, has much deeper roots. Next came the question of slavery, and among the remarkable features of that struggle,

none was more so than the utter absence of any general or statesmanlike method of treatment. The Missouri Compromise, the Fugitive Slave Law, the Kansas-Nebraska conflict, the rush and struggle for new territories into which slavery should or should not be carried, were mere tricks, or at least expedients for postponing the real issue. How little there is of guidance or control of public opinion by the government, and how early, in the absence of these, popular excitement takes the form of violence, is shown by this, that in a quarter of a century from the first agitation of the question it culminated in civil war. How little public opinion is expressed in the conduct of the national affairs is shown by the utter ignorance in which each section rested of the state of feeling in the other. The South had no conception of the unanimity and determination with which the North would act. The North had so little idea that the South meant war, that it was found entirely unprepared. After the war broke out, we admit that, considering the circumstances, the display of energy and efficiency was more than could have been expected. But it was owing to the fact that Congress, carried away by the popular tempest, surrendered all its functions except that of strengthening the executive. Constitutional limitations were swept away, and the "war power" was held to cover anything which appeared expedient at the moment. Foreigners believed that, even if the Union was not dissolved, the military element would be found to have gained the ascendant, and from their point of view they were right. It was owing to the conservative and peaceful character of the people, and above all to the abundance of employment for labor, that the army melted quickly away into civil life. But precedents of evil import have been established. It requires but little observation to see how the consciousness of freedom from responsibility is becoming manifest. It is a matter of general remark, that, with the close of the war, the United States entered upon a new era. The mere change from a state of slavery to one of freedom over one half of the country called for the very highest organizing powers on the part of government.* But, apart from this, a host of

* How threatening, in the total absence of these, the state of the South has become, we need not now discuss.

questions which had lain in abeyance during the slavery struggle came pressing to the front. Our tariff is a collection of absurdities positively monstrous, and the administration is worse than the law. But what symptom is there of intelligent discussion or reform in Congress? Of the state of the civil service we have just spoken, and the diplomatic is about as bad. There is some attempt at reform by outside pressure on the President; but Congress, which alone can effect anything real, looks on contemptuously, or offers all the opposition in its power, — and efficient in this direction it certainly is.

The national-bank system is a most egregious imposition upon the public in favor of a limited number of individuals. Yet these nineteen hundred corporations stand serenely intrenched behind members of Congress. The state of the currency threatens disaster in the future; and however much our financial doctors disagree on other points, we believe they are at one upon this, that we are rather receding from, than approaching, specie payments. The government seems in accord with the popular view, that finance has reference only to debt and revenue. The most important as well as most difficult item of the currency receives scarcely any attention.

We do not mention these things as indicating any intolerable condition of society as yet, but as the sign of the inadequacy in the machinery for the work which is hereafter to come upon it. We do not blame the boy because he cannot accomplish the tasks of the man. It is the heedlessness, the self-will, and the impatience of contest in the minor duties imposed upon him which warn us of the necessity of correction, if we would avoid the shipwreck of his future career. What we maintain is, that the course of our government is simply drifting; that no one can point to a single instance of conscious, intelligent, systematic, and continuous treatment of any political or social question. In view, therefore, of the fact that the only thing our government can do successfully is to drift, and that whenever it comes to positive action it is but too apt to do harm, the doctrine has gained acceptance that the less government attempts to do the better, and that private citizens should be left to conduct their own affairs. But this view is not based upon due consideration

either of human nature or the structure of society. We cannot even send a ship to sea without a gradation of authority upon the minutest point. No private enterprise comes to success without full authority somewhere to regulate its minutest parts. Men are so constituted, the pursuit of self-interest is so necessary and at the same time so unenlightened, that the condition of their living together in any considerable numbers without quarrelling is that there shall be some authority to decide and make rules between them. The true desideratum is that these rules shall be as general as possible, shall apply to the largest number of cases. It is exactly in this point that our government breaks down. Our legislation is too largely special. Not to get rid of legislation, which means anarchy, but to make it general, should be our aim. We will anticipate here by quoting a sentence from Mr. Bagehot which epitomizes what we have been saying: "Before the Rebellion in America, owing to the vast distance of other states, and the favorable economical condition of the country, there were very few considerable objects of contention; but if that government had been tried by the English legislation of the last thirty years, the discordant action of the two powers, whose constant co-operation is essential to the best government, would have shown itself much more distinctly."

In the perusal of Mr. Bagehot's book upon the English Constitution, we have been reminded of the conduct of the British government, or rather nation, in the case of the Geneva arbitration. From the moment the indirect claims were presented, they declared they would never submit to them; that if a judgment were given against them based upon these, they would repudiate it; and therefore that they could not with honor go into the discussion at all. Shying and starting like a frightened horse, they approached the tribunal to hear, with a sigh of relief, that the arbitrators declined to consider these claims at all. We approached Mr. Bagehot's book with a firm determination not to find any advantage in the crown and the aristocracy. We opened it with hesitation, fearing lest he might make out too strong a case for us, and found, to our immense relief, that he makes them of very little practical importance. He divides the governmental organization into the

dignified and the efficient parts, and, while ascribing more or less of each element to all the branches, he assigns dignity chiefly to the crown, and efficiency chiefly to the Commons. The effect of the dignity is so subtle and indirect that it may well be thought to be overestimated; while as regards efficiency of the crown and the House of Lords, Mr. Bagehot himself reduces it almost to the vanishing point. In examining his statements there are two elements to be kept in view: first, in what points, if any, the English Constitution is superior to ours; and, second, which of these it may be possible to ingraft with advantage upon our own. Setting aside, therefore, the consideration of the crown and the aristocracy as of minor interest to us, we remark that the one institution upon which the English system really revolves admits entirely of discussion from a common stand-point, and that is the cabinet. Mr. Bagehot defines the cabinet to be "a combining committee,—a hyphen which joins, a buckle which fastens, the legislative part to the executive part of the state," and states that "the efficient secret of the English Constitution may be described as the close union, the nearly complete fusion, of the executive and legislative powers. No doubt by the traditional theory, as it exists in all the books, the goodness of our Constitution consists in the entire separation of the legislative and executive authorities, but in truth its merit consists in their singular approximation. The connecting link is *the cabinet*."

Our next quotation will illustrate how entirely the comparison between the two governments turns on this point; how close is their approximation, and yet how wide their divergence: "The fusion of the legislative and executive functions may, to those who have not much considered it, seem but a dry and small matter to be the latent essence and effectual secret of the English Constitution; but we can only judge of its real importance by looking at a few of its principal effects, and contrasting it shortly with its great competitor, which seems likely, unless care be taken, to outstrip it in the progress of the world. That competitor is the presidential system. The characteristic of it is that the President is elected from the people by one process, and the House of Representatives by another. The independence of the legislative and executive

powers is the specific quality of presidential government, just as their fusion and combination is the precise principle of cabinet government," or, as he generally calls it, parliamentary government.

We have next to consider in what the advantage of this cabinet government consists: "The distinguishing quality is that in each stage of a public transaction there is a discussion; that the public assists at this discussion; that it can, through Parliament, turn out an administration which is not doing as it likes, and can put in an administration which will do as it likes. But the characteristic of the presidential government is, in a multitude of cases, that there is no such discussion; that when there is a discussion, the fate of government does not turn upon it, and, therefore, the people do not attend to it."

Now, while we admit this difference as to the existence and advantage of public discussion, we deny that it is owing to the fate of the government being involved; because the people make the government more directly than in England, and have therefore more need of, and motive to, attend to public discussion. We ascribe the want of it to three causes: first, to the existence and functions of the standing committees; second, to the fact that those who make the laws have nothing to do with the execution, and those who execute them have nothing to do with the making; and, third, that there is nobody in our Congress who represents or can speak for the whole country.

As all the members of our Congress have precisely equal rights in introducing business, in order to get any business done the whole mass must be referred to different standing committees, who have the power of deciding what shall be considered. These committees are composed of local representatives; they sit practically in secret, they are under tremendous pressure from the lobby, and their plans must be made with reference to the wishes of other committees, and of members of the House, but not at all with a view to their effect when put in operation. Public discussion is therefore the last thing for which they are suited; it is suppressed by common consent.

As to the second point, we will again quote Mr. Bagehot: —

"The essence of a civilized age is that administration requires the constant aid of legislation. One principal and necessary kind of legislation is *taxation*. The expense of civilized government is continually varying. Education, prison discipline, art, science, civil contingencies of a hundred kinds, naval and military estimates, require more money one year and less another. If the persons who do the work are not the same as those who make the laws, there will be a controversy between the two sets of persons. The tax imposers are sure to quarrel with the tax requirers. The executive becomes unfit for its name, since it cannot execute what it decides on; the legislature is demoralized by liberty, by taking decisions of which others (and not itself) will suffer the effects.

"In America so much has this difficulty been felt that a semi-connection has grown up between the legislature and the executive. When the Secretary of the Treasury wants a tax, he consults upon it with the chairman of the Financial Committee of Congress. He cannot go down to Congress himself and propose what he wants; he can only write a letter and send it. But he tries to get a chairman of the Finance Committee who likes his tax; through that chairman he tries to persuade the committee to recommend that tax; by that committee he tries to induce the house to adopt that tax. But such a chain of communications is liable to continual interruptions; it may suffice for a single tax on a fortunate occasion, but will scarcely pass a complicated budget in any time of financial difficulty. Two clever men never exactly agreed about a budget. The head of a finance committee in the legislature and a finance committee in the executive are sure to quarrel, and the result is sure to satisfy neither. And when the taxes do not yield as they were expected to yield, who is responsible? Very likely the Secretary of the Treasury could not persuade the chairman; very likely the chairman could not persuade his committee; very likely the committee could not persuade the assembly. Whom then can you punish, whom can you abolish, when your taxes run short? There is nobody save the legislature, a vast miscellaneous body, difficult to punish, and the very persons to inflict the punishment."

In England, the Ministry, who have to carry on the government, prepare, through the Chancellor of the Exchequer, a budget in detail, covering every item of receipt and expenditure. Any member of Parliament may criticise it as much as he pleases, but these two facts remain, that the budget is prepared by those who have to provide for the administration, instead of men who are governed by totally different motives, and public discussion is insured by the scope given to indi-

vidual opposition and attack. It may be said that our taxes never do come short, and therefore the objection is ill founded. But our real difficulties of finance are thus far in the tariff and the currency, and the above remarks explain perfectly the complete absence of any intelligent action upon these subjects.

Upon the third point Mr. Bagehot does not especially dwell, but he furnishes abundant illustrations of it. One of the most common topics of remark here is that the curse of this country is special legislation. But in all the comments we have seen upon this evil, we do not remember one allusion to the fact that every member of our legislative bodies, every man who is entitled to speak or to propose definite legislation, represents a local district, to which he owes his seat and the interest of which he is bound to look out for. The only persons elected by the whole state, that is, the executive officers, are limited to general recommendations embodied in a message or report. A member who has a private scheme to propose has therefore no effective opposition to fear on behalf of the whole state. He has to deal only with other members, who have local interests like himself. It is therefore most natural that he should secure his own progress by favoring other similar schemes not specially obnoxious to his own district, however prejudicial to the state at large. The executive, on the other hand, being the mere instrument of the will of the legislature, and having no direct appeal to the people, stands powerless to advance the general, and nearly as much so to oppose private, interest. We have used here the word *state*, because it is equally applicable to the several legislatures and to Congress.

One important consequence of the absence of any general and leading authority is that there can be no effective opposition. Anything of importance which is passed must be under cover of a party majority. The opposition of the minority is tolerated while it amounts to nothing, but the moment it gets further the party gag is applied; and thus, provided the executive can secure a party majority, it meets with very little limit or restraint. The presence of cabinet officers by restricting business within definite limits is able to make it public from beginning to end. It introduces also the element of individuality. As Mr. Bagehot has it: "This critical oppo-

sition is the consequence of cabinet government. The great scene of debate, the great engine of popular instruction and controversy, is the legislative assembly. A speech there by an eminent statesman, a party movement by a great political combination, are the best means yet known for arousing, enlivening, and teaching a people. The cabinet system insures such debates, for it makes them the means by which statesmen advertise themselves for future, and confirm themselves in present, governments. It brings forward men eager to speak and gives them occasions to speak. Everything which is worth saying, everything which ought to be said, most certainly will be said. The nation is forced to hear two sides, all the sides, perhaps, of that which most concerns it. And it likes to hear, it is eager to know." All this is impossible under a system which does business by secret committees and party majorities, which excludes the executive officers from the legislature, and which Mr. Bagehot calls, we shall presently examine with what justice, the presidential system.

We will offer two illustrations of these remarks, taking first the case of the Union Pacific Railroad and the *Crédit Mobilier* Company. Whether or not these were the gigantic frauds which the public have been led to believe, one thing is certain, that they were not secret. There was never a moment when all their operations could not have been laid bare to the public eye by any one who was interested in doing it. But the country was eager for the building of the road, and a party majority in Congress rushed through all sorts of privileges as an inducement, without any voice of warning being raised. The road being completed at a much less cost than was anticipated, and the stock which capitalists sneered at having become immensely valuable, the majority has swung round the other way, and wants to take away forcibly what they were so eager to confer. We believe that many jobs are now silently working their way through Congress, which, in the presence of a Cabinet officer, would flee like evil spirits at the break of day. Our second illustration is the case of the Legal Tender Act. There may be a difference of opinion as to its necessity, but there can hardly be any as to the fact that it was fearfully abused. But Mr. Chase wielded a large majority, and, being safe from individual

criticism, pushed through act after act authorizing the issue of greenbacks, till Congress refused to go further, when he used the same machinery to accomplish the same thing in a much worse way, through the national banks. Mr. Bagehot says: —

“Of course this error might have been committed, and perhaps would have been committed, under a parliamentary government. But if it had, its effects would ere long have been thoroughly searched into and effectually frustrated. The whole force of the greatest inquiring-machine and the greatest discussing-machine which the world has ever known would have been directed to this subject. In a year or two the American public would have had it forced upon them in every form, till they must have comprehended it. But under the presidential form of government, and owing to the inferior power of generating discussion, the information given to the American people has been imperfect in the extreme. And in consequence, after nearly ten years of painful experience, they do not now understand how much they have suffered from their inconvertible currency.”

We willingly dismiss this part of the subject, however incomplete our space has left the treatment of it, because we have yet to meet the first reflecting man who does not admit the superiority of the parliamentary over the presidential system, using the words in Mr. Bagehot's sense. But we are conscious of approaching a very different task when we gird up our loins to the question whether the distinction so taken is incorrect, whether the defect of the presidential system is not merely accidental and capable of remedy. As to the constitutional difficulty of introducing the change, we believe there is none at all, and that Congress, if it were so minded, could do it in the first week of the next session. But they are not and never will be so minded, unless it is forced upon them by public opinion, to arouse which is, after all, the main obstacle. We propose, however, at present to examine what would be the effect and working of the change when once introduced.

Mr. Bagehot expresses in a sort of syllogism his conviction that our case is hopeless, and that we are little better than the lost: —

“The American legislators of the last century have been much blamed for not permitting the ministers of the President

to be members of the assembly ; but, with reference to the specific end which they had in view, they saw clearly and decided wisely. They wished to keep ‘the legislative branch absolutely distinct from the executive branch’ ; they believed such a separation to exist in the English, which the wisest of them thought the best constitution. And to the effectual maintenance of such a separation, the exclusion of the President’s ministers from the legislature is essential. Tried by their own aims, the founders of the United States were wise in excluding the ministers from Congress.” The conclusion from these premises seems to us a complete *non sequitur*. “But though this exclusion is essential to the presidential system of government,” etc., Mr. Bagehot’s assumption may be as ill founded as he esteems that of our ancestors with regard to the English Constitution, and we take issue as to fact as well as logic. The founders of the United States did not exclude the ministers from Congress. The Constitution is absolutely silent upon the subject. We attribute such exclusion to the circumstance which he assumes it was devised to provide against. “A legislative chamber is greedy and covetous ; it acquires as much, it concedes as little, as possible. The passions of its members are its rulers, the law-making faculty, the most comprehensive of the imperial faculties, is its instrument ; it will *take* the administration if it can take it.” We cannot imagine a more compact description of the force which not only originated, but to this hour maintains, the exclusion of the executive ministers from Congress ; and the effect of which is that one branch, as completely as Pharaoh’s lean kine, has swallowed up the other two.

Mr. Bagehot insists upon two elements as essential to cabinet or parliamentary government as distinguished from presidential. “By the word *cabinet* we mean a committee of the legislative body selected to be the executive body. The legislature has many committees, but this is the greatest. It chooses for this, its main committee, the men in whom it has the most confidence.” And it follows, of course, that if the legislature can make, it can also unmake. It can turn out the ministry whenever it pleases. Again : “The cabinet is a committee which can dissolve the assembly which appointed it ; it

is a committee with a suspension veto, a committee with a power of appeal." Stated briefly, the House of Commons chooses the Ministry. By an adverse vote it can compel them to resign. But if the Ministry feel the country is with them, they can dissolve Parliament, order a new election, and try their fate with the new members. At first sight, this system seems wholly incompatible with our Constitution; and if the form is absolutely essential, of course it is unavailable for us. It becomes important, therefore, to ascertain how far the essence lies in the form; whether there is not a principle to be discovered, independent of the details. At the very outset Mr. Bagehot concedes an important modification: "It [Parliament] does not, it is true, chose them [ministers] directly; but it is nearly omnipotent in choosing them indirectly." He goes on to show that the crown had formerly both the choice of ministers and the direction of the state policy; that they retained the former right after the latter had passed to the nation; that even now the Queen does nominally appoint the Prime Minister; and that, though she does follow the choice of Parliament, it is sometimes open to her to select between several individuals. Now, if instead of considering our President, as Mr. Bagehot does, as the equivalent of the Prime Minister, we regard him as the equivalent of the crown, there is nothing to prevent the analogy of the two cases from being complete. Our Presidents now select their cabinets at random or from obligations of party service. But if there were a leadership of talent and public service in Congress, if there were that public discussion and test of individual character which Mr. Bagehot claims for cabinet government, the choice of the President would in like manner be the choice of Congress, his hope of re-election depending upon the success of the administration. It may be said that the office of the President would be reduced to insignificance. It could hardly be more so than it is at present. But why should not the office represent what Mr. Bagehot calls the dignified part of the government? Why not a post of retirement for an eminent statesman after years of public service; a post in which, with sufficient pecuniary emolument, he could reap the credit of good administration, leaving the rough and tumble to his successors in the line?

Probably the one thing which makes the most impression upon outside observers of the English Constitution is the resignation of the Ministry upon an adverse vote of Parliament; and it is inferred that this, being an essential feature, makes the system impossible for us. But this dependence of the Ministry produces grave evils. All the administrators go out together. Some mistake in one department, some personal unpopularity of the Premier, may require new men in all the departments. Three great difficulties arise from this: first, it brings in new and untried persons to preside over the policy; second, it makes ministers indifferent, because they may be turned out, in spite of their best endeavors, and without fault of their own; third, a sudden change of ministers may easily cause a mischievous change of policy. We give merely the heads of Mr. Bagehot's paragraphs, in which he is more successful in analyzing these evils than in developing the considerations that affect them. Indeed, this last portion seems to us the most labored and least effective part of the book. However this may be, if such resignations are essential to cabinet government, we can see nothing in our system to prevent them. Congress and the President are chosen for fixed terms, but the cabinet is not. There is no reason why they should not all resign again and again, the President constantly replacing them with other congressional leaders. But we may very possibly effect a great improvement upon this. In England the Prime Minister forms the Cabinet. They are his men, and if he is turned out they go with him. But our President is not removable. He may change his Cabinet by individuals. If there are mistakes in one department, he can give it a new head without disturbing the others; and when his own term expires, he is to be judged by the general success of his administration. It may well be that the Premier is too dependent upon Parliament; that even with cabinet government the executive should have a somewhat direct reliance on the support of the nation.

But in England, although the Ministry generally resign when there is an adverse majority, they may dissolve Parliament and appeal to the country; and here again is thought to be an element inconsistent with regular elections for fixed

terms. To this we reply that the offset is found in the frequency of our elections. If annual Parliaments are ever resorted to in England, which, as this has always been more or less associated with the demand for the ballot, is not impossible, dissolutions will become obsolete. The nation will decide each year between Parliament and the Ministry. Our Congress is removed every two years. It is possible that the cabinet might glide over the most of this term with routine business and reserve grand test questions for the close, so that the attention of the country might be aroused and its sentence pronounced.

We have thus endeavored to show that there is nothing in the technical forms of the parliamentary system which should prevent the principle from being adopted with us; and that the distinction taken by Mr. Bagehot between it and the presidential is merely arbitrary. There are further peculiarities of our political condition upon which Mr. Bagehot justly comments, but we think with a mistaken view as to their cause: —

“Travellers even in the Northern States of America, the greatest and best of presidential countries, have noticed that the nation was ‘not specially addicted to politics’; that they have not a public opinion finished and chastened as that of the English has been finished and chastened. A great many writers have charged this defect on the ‘Yankee race,’ on the Anglo-American character; but English people, if they had no motive to attend to politics, certainly would not attend to politics. At present there is *business* in their attention. Whether the government will go out or remain is determined by the debate and by the division in Parliament. And the opinion out of doors, the secret pervading disposition of society, has a great influence on that division. The nation feels that its judgment is important, and it strives to judge. It succeeds in deciding, because the debates and the discussions give it the facts and the arguments. But under a presidential government a nation has, except at the electing moment, no influence; it has not the ballot-box before it; its virtue is gone, and it must wait till its instant of despotism returns. It is not incited to form an opinion like a nation under a cabinet government, nor is it instructed like such a nation. There are doubtless debates in the legislature, but they are prologues without a play. There is nothing of a catastrophe about them; you cannot turn out a government. The teaching apparatus which has educated our public mind does not exist.”

Now, true as this may be, it is absurd to charge it to the presidential system. The fact is, as we have already remarked, that our people have a great deal more to do with making the government than the English. Not to mention the election of members of Congress regularly every two years, the people elect the executive directly, and besides are constantly exercised in choosing the State officials. There is no country where a strong and enlightened public opinion is so much needed. The reasons for the want of it are different, but very plain. It is because, owing to the want of leadership, all business is referred to secret committees; because these committees have power to suppress any business they do not like, and when they have decided upon any get it passed by party majorities with a suppression of all real debate; because the parties who make the laws have nothing to do with executing them, and *vice versa*, so that all coherence and all responsibility have disappeared; and finally because, while the legislature is given up to the representatives of localities, the nation at large has no mouthpiece there. We admit, indeed we maintain, that all this is the result of the exclusion of cabinet officers from the legislature, but not of the presidential system.

The same remarks apply to the following:—

“It might be thought that the discussions in the press would supply the deficiencies in the Constitution. But the same difficulty oppresses the press which oppresses the legislature. It can *do nothing*. It cannot change the administration. People wonder that so literary a people as the Americans—a people who read more than any people who ever lived, who read so many newspapers—should have such bad newspapers. The papers are not so good as the English, because they have not the same motive to be good. If a Washington newspaper could have turned out Mr. Lincoln, there would have been good writing and fine argument in the Washington newspapers. But the Washington newspapers can no more remove a President during his term of place than the ‘Times’ can remove a lord mayor during his year of office. The Americans glance at the heads of news and through the paper. They do not enter upon a discussion; they do not *think* of entering upon a discussion which would be useless.”

It is not, we maintain, because the papers have no object and no function, but because, owing to the secrecy and irresponsi-

bility of our government, they have no sufficient materials to work with.

One point Mr. Bagehot makes, it seems to us successfully, which, though it is contrary to the popular impression, should yet be welcome to all lovers of free institutions, — that parliamentary government is really superior in efficient administration to bureaucratic despotism. From his numerous illustrations we will select that which is perhaps the strongest: —

“One reason of the diffused impression is that the English government attempts so much. Our military system is that which is most attacked. Objectors say we spend much more on our army than the great military monarchies, and yet with an inferior result. But then, what we attempt is incalculably more difficult. The Continental monarchies have only to defend compact European territories by the many soldiers whom they force to fight; the English try to defend without compulsion, — only by such soldiers as they can persuade to serve territories far surpassing in magnitude, and situated all over the habitable globe. Our Horse Guards and War Office may not be at all perfect, — I believe they are not; but if they had sufficient recruits selected by force of law, if they had, as in Prussia, the absolute command of each man’s time for a few years, and the right to call him out afterwards when they liked, we should be much surprised at the sudden ease and quickness with which they did things.”

The government of India is also a wonderful instance in point. There is nothing like it in history, except perhaps the provinces of ancient Rome and of mediæval Spain; and those who know what those provinces in both instances *became*, and who will then compare the present state of India with that which existed under Warren Hastings, will not be inclined to dispute Mr. Bagehot’s claims of administrative efficiency; an efficiency owing, we believe, neither to crown nor aristocracy, nor yet to peculiarities of race, but to the greatest political device which the world has ever seen, — an executive Ministry in daily contact with, and responsibility to, the legislature, and yet resting for its strength upon well-informed public opinion.

We add, almost in sadness, one more quotation of Mr. Bagehot: “Paley said many shrewd things, but he never said a better thing than that it was much harder to make men see a difficulty than comprehend the explanation of it.” We fear that

it is not a little leaven which can reach the lump of public opinion ; but believing as we do that the future of human freedom depends upon the success of our experiment in government, and that the final success or failure of that experiment depends upon the adoption in some form of what we have described as cabinet government, we cannot but earnestly wish that a copy of Mr. Bagehot's book, with a much better commentary than ours, could be placed in the hands of every citizen of the United States.

GAMALIEL BRADFORD.

ART. II. — ARCTIC EXPLORATION.

WHEN the United States government sent an expedition, nearly three years ago, to reach the North Pole, people naturally supposed that an Arctic mystery of centuries would certainly be revealed, that the much-talked-of open Polar Sea would be navigated, and that geographical questions which have for a long time occupied the attention of the adventurous and the learned would finally be solved.

Governments do not often assume the charge of such undertakings. They have sometimes countenanced private expeditions and lent them aid, but have seldom originated them. With respect to the Arctic regions, few and rare have been the ships sent out for purposes of discovery exclusively at government cost. Upon the merchants has usually fallen the expense of the venture. Merchants have, indeed, always stood in the front rank of civilization. In geographical discovery they have uniformly been the pioneers. It was mercantile enterprise that first opened the Atlantic to the gaze of civilized Europe, that brought into view the Cape of Good Hope and an ocean route to India and the Spice Islands ; that sent Columbus across the Western water to a new world, and Amerigo after him with a name ready coined for a continent.

The first rational conjectures which the civilized world entertained respecting the North were derived from the old Phœ-

nician traders. These adventurers had, however, no science to guide them in their bold undertakings. They had no conception of geography. The geographical knowledge of De Gama and Columbus was necessarily very limited; but they possessed, like the Phœnicians, and like the Arabs and the Northmen of a later date, the true spirit of mercantile adventure,—the spirit to discover new lands for new avenues of trade or plunder, to obtain the rich products of distant countries for themselves and their patrons; and they went forth and did great things with no loftier purpose than the pursuit of gain, and with nothing more at their back than the simple countenance of the government of the countries from which they sailed.

The same mercantile spirit led to the first Arctic discoveries. To English and Dutch merchants we owe the first practical developments in Arctic geography. In later times a thirst for scientific inquiry added zest to the former hopes of commercial advantage; but not until the failure of the expedition of Sir John Franklin had convinced the world of its impracticability was the idea abandoned of finding a route for commerce across the Arctic seas to the Pacific Ocean and the Indies. When, therefore, a powerful government, famous for its spirit of maritime adventure, voluntarily undertook the task of reaching the North Pole and solving the problem which had at length become a purely scientific one, the highest expectations were naturally excited, not only among those interested in scientific research, but among the people who were concerned in the national renown. In fact, so many and so persistent had been the efforts of scientific men throughout the civilized world to induce their respective governments to undertake the task of fully clearing up the Arctic mysteries on a sufficiently large scale to insure success, that the applause was universal when the United States government had assumed the responsibility. For no purely scientific purpose has there ever been any such formidable array of resources in that quarter. Four powerful and well-equipped steam-vessels and one steam-launch (which made a most spirited voyage) have been engaged, from first to last, in this important service, at an expense of scarcely less than half a million of dollars, and now it is rather humiliating to own that

we have in reality advanced very little nearer to the North Pole than we were before. One brave man has died. A great deal of bravery has been shown, a great many lives have been imperilled, a great deal of money has been expended, and practically nothing has been done,—nothing, indeed, toward the accomplishment of the main object, except it be to prove that Captain Hall was on the right track, thus confirming the oft-repeated views of his immediate predecessor. The propriety, however, of merely proving another man's predictions at so great a cost may be questioned. Dr. Kane, Dr. Hayes, Judge Daly, and most of the English explorers and writers upon the subject, have publicly favored the route through Smith Sound; and had Dr. Hayes's repeatedly published plan been accepted by the government we believe that we should not now be called upon to record another failure. This plan was simply to establish a depot at the mouth of Smith Sound, with a sailing-vessel as a store-ship and tender to the steamer, which is to push northward, and a party of Greenland hunters at that depot to secure a constant supply of fresh food, the region being prolific with game, such as reindeer, water-fowl, walrus, seals, and white whale. Of the former alone, Dr. Hayes's party, during their ten months' stay at Port Foulke, shot upwards of two hundred and fifty. This position has the merit of being on the north side of the great Baffin Bay ice-barrier, while Godhavn, Disco Island, where the government deposited its additional stores and established its base of operations, is on the south side of it. Practically speaking, for all purposes of Arctic exploration, Disco Island is not in the Arctic regions at all, and, as a base of operations, has not a single advantage over the Navy Yard at Brooklyn; for it is always accessible from the south, while to return there from the north is equivalent to wintering this side of the ice; and to winter in New York would be greatly preferable, both in point of comfort and expense, to wintering at Disco Island.

The public interest which has been excited recently, not only by this expedition of the United States government, but by the gallant efforts and important discoveries of the Germans, Swedes, Norwegians, and English in the Spitzbergen

and Greenland seas, has seemed to us to present a favorable occasion for a general review of the subject of Arctic exploration from the earliest times; and, in order that our readers may have a clearer understanding of the matter than they would from the cursory reading of individual narratives, we propose to show how, while vast regions of the earth have been steadily brought into view, and curious developments made in science, failure after failure, as to the primary motive, has followed in succession, since the discovery of America, until we have at length reached the culmination of a long period of adverse fortune in the disastrous Polaris expedition.

From time immemorial the Arctic regions of the earth have been regarded with something akin to awe, to that feeling which is, unconsciously to ourselves, ever awakened by the contemplation of the inaccessible. Poets and prose romancers of every age have clothed the North with a forbidding mantle. Its immense ice-fields and ice-mountains, its impenetrable fogs, its summer of day and winter of night, its fearful storms, its strange inhabitants, have all combined to inspire a feeling almost of dread at the mere mention of the name.

Pythias, the Greek mariner and trader of Marseilles, who was the first to pass into the Atlantic between the Pillars of Hercules, in the age of Alexander the Great and in the time of the great Phœnician prosperity, reached his *ultima Thule* probably at the Shetland Islands, and there discovered in a dense fog sweeping from the north a region which he declared was "neither air, earth, nor water"; and, coming down through the period when the civilized world regarded the earth as a vast plain, with mysterious boundaries, and Hyperborea as a region where golden gardens glowed, inhabited by a race of immortals, we find, in the time of Columbus, when the first crude attempts were made at the construction of charts, that which was put forth as the real scarcely less wild, in its relation to the actual truth, than the ancient fables; for we find the whole region drawn for us by the chartographers of the time — by Martin Behaim, by John Ruysch, by Orontius Finæus, and others of that highly imaginative and superstitious period — in the most purely imaginative man-

ner. A good example of this we find in Ruysch's *Universaliter Cogniti Orbis Tabula*, published in Rome in 1508 by Marco Beneventous, in his revised edition of the maps of Ptolemy. The extreme northern regions of the earth are there depicted with a huge rock pointing to the Pole Star and bathed by the waters of an open sea, while at the four quarters are four great islands, between which flowed four great rivers, and these rivers drain the superfluous waters of the ocean into a great basin about the Pole, whence they plunge wildly down into the innermost abysses of the earth. These islands were supposed to have a salubrious climate, were clothed with verdure, and one of them at least was inhabited by a race of pygmies, who sometimes descended to the South, causing great mischief, — an idea which no doubt originated in the contests known to have taken place in Greenland between the Esquimaux or Skrællings (so called, in derision, from their diminutive stature) and the Northmen in the thirteenth and fourteenth centuries.

Ruysch's map was subsequently modified by Finæus in his famous map "cut out in the fourme of a harte," and published in 1531; but on both there is the same rock pointing to the Pole Star, the same islands, and the same flowing rivers discharging the superfluous waters. In fact, there was nothing, however improbable, that men would not then believe concerning the North. Beside fabulous islands at the four quarters about the Pole, there were others which rose from the sea and again sank away as mysteriously; fabulous beasts were on the land and fabulous monsters were in the water; and marvellous influences, powerful enough to draw a vessel's bolts or stop her course or change it, existed everywhere in the Arctic waters.

No rational ideas were, indeed, entertained of Arctic geography until nearly a century after the discovery of America. Such actual information as was had was derived from the meagre records of the brothers Zeni, whose long residence in Friesland, which was doubtless the Faroe Islands, in the thirteenth century, made them fully acquainted with Norse geography, which was necessarily most imperfect, since these hardy people steered their course from headland to headland

as did the equally enterprising Arabs of the South, or followed the flight of a raven or the drift of a plank or post without having the least thought of determining their position by observations of the heavenly bodies.

For a long time, however, this vague and uncertain information of the Zeni was withheld from the world, and its publication was, indeed, not called for until after the time of Columbus, when the spirit of maritime adventure inspired every one who could communicate any information to come forward with it, hoping for profit in the great scramble then taking place for the possession of the newly discovered lands. The records of the Zeni were not deemed important until 1532, when Zeigler obtained some portion of them, and gave to the world the first approach to a reasonable plan of the Arctic regions. Since that time the development of Arctic geography has slowly advanced.

The early stages of this development mark the most spirited period of maritime enterprise known in history; and, since all Arctic exploration was but an outgrowth of this universal spirit of discovery, it may not be out of place for us to go back a little and seek a *motive* for the first attempt to navigate the high seas in a direction which ultimately led as well to the north as to the south.

We find it in the period of the Crusades, when the civilized world was supplied with the rich and greatly prized products of the East by the old channels of the ancient Phœnician traders through Damascus and Babylonia, and some centuries later monopolized by the Venetians, who held control of the Alexandrine trade.

In the year 1291, Pope Nicholas IV., thinking to strike a blow at the Saracens, wrote to all the kings of Christendom, then engaged in the rescue of the Holy Sepulchre, enjoining it upon them to forbid their subjects from trafficking with the heathen. Whatever may have been the effect of the Pope's letter upon the people against whom it was aimed, it was the cause of great distress to the Christian merchants, and of great inconvenience to the whole of Europe. Being forbidden to hold commercial intercourse with the heathen by the old land channels, the East was now sought by water.

Little by little the hardy and enterprising mariner, backed by the equally enterprising merchant, crawled along the shores of the Mediterranean, and finally, passing with confidence through the Straits of Gibraltar, began, in the same manner, to crawl from headland to headland along the coast of Africa, confident at every turn of the shore of finding an unobstructed track to the rich and wondrous East.

The persistency with which this effort was pursued is only equalled by the spirited determination, at a later period, to find a route for commerce to the same quarter of the earth by way of the northern seas.

It was not until after the lapse of two centuries that the entire western coast of Africa was traversed. The Cape of Good Hope was finally doubled by the Portuguese, and a watery highway thus opened to India and the Spice Islands, at the same time that a mariner in the employ of Spain, more bold than any of his contemporaries, convinced that the world was round, and willing to stake his life upon the venture, fearlessly left the land behind him, and sailed, as he believed, direct to that same "East" — that same land of spices, costly silks, and precious gems, the land of the powerful and romantic Khublai Khan, whose dominions were without limits and whose wealth was fabulous — by sailing to the west.

How great was the distress occasioned in various quarters by the diversion of trade during these two hundred years following the issuing of the Pope's letter, and how fully recognized was the importance of the new era which had dawned upon the world, is illustrated by the following extract from Peter Martyn, dated February 4, 1499.

"But the Portugues, pursuing their course, crossed the equinnoctial, and in another way seek the trade in spices. They drain to the marrow the King of Calicut, and out of the Alexandrine and Damascus merchants, wherever they see there vessels on the high seas, they chase them, or sink them with cannon-shot. We suspect that this business must be very damaging to the revenues of the Babylonian Sultan; nor can it be profitable to the Venetians, as so many suppose. For from Ancient times, the traffic of the Venetians in the Marts and mouths of the Nile was a source of power and riches to the Sultan."

It was no small thing in those days to believe the world was

round, when the proof thereof was brought to the practical test of crossing the Atlantic Ocean. The idea of new lands existing beneath him was of course not new or original with Columbus, and in this connection it is interesting to refresh our memories with the following lines from Pulci's poem, which gives us a most circumstantial prediction of the existence of a Western world. In this poem the Devil, alluding to the vulgar superstition respecting the Pillars of Hercules, thus speaks to Rinaldo:—

“Know then this theory is false. His Bark
The daring mariner shall urge far o'er
The western wave, a smooth and level plain;
Albeit the earth is fashioned like a wheel.
Man was in ancient days of proper mould,
And Hercules might blush to find how far
Beyond the limits he had vainly set,
The dullest sea-bird soon shall wing his way,
Man shall descry another Hemisphere,
Since to one common centre all things tend;
So earth by curious mystery, divine,
Well balanced, hangs amid the starry spheres,
And in that Hemisphere are races strange,
Of habits primitive, comprising empires,
Dwelling in cities vast and castles tall.”

This was published between 1482 and 1487, and how nearly the prediction was fulfilled we all know. Yet Columbus did not entertain the idea that a great continent lay between the western coast of Europe and the eastern coast of Asia. He died in the belief that he had looked upon the mainland of Asia, when he was really only off the coast of Cuba. He even made his people swear that it was Asia they were looking upon.

Many centuries before this, however, at a time when the bold voyage of Pythias and his *ultima Thule* were still fresh in the public mind and were spoken of freely, we find the same idea vaguely foreshadowed by Seneca, who thus prophecies: “Ages shall come in which Oceanus may unloose the bonds of things, and a vast land may be exposed, and Typhis may discover new worlds; and there may no longer be an *ultima Thule* on earth.”

How erroneous the calculation at sea made by Columbus and the mariners of his time, and yet how completely the rotundity of the earth was then believed in, and the superior value given to the western route proved, is shown by the following from Peter Martyn in his *In Janum*, for a translation and rendering of which we are indebted to the accomplished scholar and geographer, Mr. J. Carson Brevoort. It is addressed to Cardinal Ximenes, on the 1st of January, 1506, and first published in 1511. He says:—

“The men of Portugal may find a way
By Afric’s shores, to seek the spices rare;
But this is courage light compared with him,
Columbus, who the western seas has crossed,
Opening to Spain new empires, islands rich,
With golden treasures long concealed, lying
Towards the Antipodes, or farther side
Of the terrestrial sphere, where people walk,
Compared with us, their feet upturned,
Which must be thus, for our great orb
Hangs free in space, from every side,
A sphere in form, and central in the world;
Thus day with us is night to them, as seasons
Are reversed to those who in the nether tropics dwell.”

If the general belief in the rotundity of the earth gave rise to a new era in maritime affairs, the magnetic needle gave confidence. The acceptance of the one was nearly coeval with the discovery of the other. That dark grayish-brown metallic ore which possessed the magic power of fixing a piece of steel in the plane of the meridian was a familiar toy to the ancients; but they little knew the treasure they possessed. When first applied to navigation, we find Peter Martyn thus enthusiastically writing of the magnetic needle in the same poem which we have already quoted:—

“No more the seaman fears night’s darkest shades
Nor tempests’ blinding mists, if he but watch
The magnet buried in its Cap-like pyn,
Lashed on the poop, that faithful points
The Pole, like as the Sun by day,
A faithful horologue it is to man.”

Although not directly relevant to the historical aspect of our subject, we have thought the foregoing necessary to the illus-

tration of a motive to Arctic discovery ; for after the world was proved to be round,—by the Spaniards sailing to the west, and the Portuguese to the east, and meeting each other midway,—we find the Pope dividing the world by an imaginary line running through the Cape de Verde Islands, giving all newly discovered lands which lay to the westward of that line to Spain, and all lying to the eastward to Portugal. These, being then the two most powerful maritime nations of the earth, soon proved themselves able to hold possession of the South Sea, which washed the shores of their newly acquired dominions ; so that the English, Dutch, and French, their only rivals, had no resource but to seek the rich treasures of the East by way of the North.

The first attempt was made in 1497 by John Cabot, a Venetian, then in the employ of the English king, Henry VII., who, now that the great pilot of Genoa (whom he had barely missed employing) had electrified the world with a discovery which, according to Hakluyt, men “affirmed to be more divine than human,” was willing, while avoiding the track of the Spaniard, to give countenance to “novel speculations and daring enterprises.” Cabot was allowed to have five ships, which were to be fitted “at his own proper costs and charges,” and to sail to “all parts, countries, and seas of the East, of the West, and of the North.” Cabot set out in the spring of 1497, and, on June 24, “about five of the clocke, early in the morning,” discovered a land which they called “Prima Vista.” It is claimed that Cabot—and this is the principal interest at this time attached to the expedition—reached the mainland of the New World on this voyage “fourteen months before Columbus beheld the American continent, and two years before the lucky Florentine (Amerigo Vespuccio) had been west of the Canaries.” John Cabot was followed by his son Sebastian, who, to quote his words, as we find them in Hakluyt, began to sail toward the northwest, not thinking to find any other land than that of Cathay, and from there turn to India ; but after “certain dayes I found that the land ranne towards the North, which was to me a great displeasure.” There is little doubt that Sebastian Cabot touched the Labrador coast and traced it to latitude 67° before returning south, “ever

with the intent to find the said passage to India," until he reached Florida, when, victuals failing, he "departed from them and returned into England." His own brief account of his purpose is in these words: —

"Being aware that if I sailed in a northwesterly course I should come to the Indies by a shorter route, I at once imparted my ideas to the king, who was much pleased with them, and fitted me out three caravals, with all the necessary stores and equipments. I began to sail towards the northwest with the idea that the first land I should make would be Cathay or China, from which I intended to direct my course to the Indies."

The French did not take the field until 1524, eighteen years after the death of Columbus, and five years after Magellan had doubled the southern capes of America, crossed the Pacific Ocean, reached the Moluccas, and first ploughed with vessel's keel a track around the globe.

Francis the First was then king of France. The Spaniards and Portuguese held possession of the South Sea, and proved themselves able to maintain their right to all newly discovered territories as held by them under the Pope's bull of partition. The English, French, and Dutch were excluded from the South, and the most they could do was to capture an occasional galleon of their enemies laden with golden ingots. "It is strange," said Francis, impatient under the restraints which necessity imposed, "that the Lord should have forgotten us all in his will"; and accordingly he sent Verazzano to find a northern Magellan Strait,—the northern passage to the Indies.

Verazzano touched the American coast near the present city of Savannah, and afterward, with indefatigable zeal, followed the shore northward to about latitude 50° without discovering the desired passage. It has been made clear, however, by the researches of Mr. J. Carson Brevoort, that Verazzano entered the harbor of New York, and discovered the river which Hudson subsequently navigated, and which now bears the name of that great mariner.

Meanwhile the kings of both Spain and Portugal, hearing of the efforts of the English and French, resolved to discover for themselves whether there was a shorter route to the Indies

than by way of the South Sea; and we find the Cortereals and Gomez seeking the northern passage, to the great displeasure of their rivals.

The next enterprise of which we have knowledge was a venture by an English merchant, Robert Thorne, of Bristol, a great patron of maritime enterprise, in "two faire ships well manned and victualled, having in them divers cunning men, which set forth out of the Thames to seek strange regions," May 20, 1527. Little is known of this expedition further than that they reached latitude 53° , where they encountered a "marvalous greate storme," in which one of the vessels foundered, while the other made a harbor in what is now St. Johns, Newfoundland, where there were already gathered French, Portuguese, and Spanish fishing-vessels,—a circumstance which shows how important, even from the beginning of the exploration of America, were the cod-banks of the Western Atlantic. Indeed, it is an open question whether these banks were not visited by the old Basque and Biscayen fishermen long before the time of Columbus; for these hardy men brought their "bacallaos"—that is, "stock" or "stick" fish, cured without salt—from some mysterious place in the West, long before America was thought or dreamed of, except by the old Northmen from Greenland and Iceland in the early years of the eleventh century. These fishermen had their "Terra de Bacallaos," their "Terre de Morue," and it is not at all improbable that this land was the "Terra Nova" of the Cabots, the "Hilluland" of the Northmen, the "Kabeljanland" of a later day, and "Newfoundland" afterward; and now, as then, rich in wealth gathered from the sea, which, enticing Europeans to America, opened the way to the discovery and occupation of Canada.

This last great event in northern discovery was originally brought about by Jacques Cartier, who entered the Gulf of St. Lawrence in 1534, and, believing firmly that this was certainly the northern Magellan Strait, which he had discovered at last, returned to France for a larger outfit with which to pursue his course to the Indies. That it was not a strait, but simply a river, was proved when the ships of the second voyage reached the native village of Hochelaga, named by the French Mont Royal, since corrupted into Montreal.

These were the principal efforts made in the busy, early days following the great voyage of Columbus. They were all without immediate profit to their projectors; and for a time the spirit of enterprise in that quarter subsided. Then there was a cry for the northeast, and enthusiasm in behalf of this route to the Indies was very great. Here lay the "Cape Tabis" of Pliny, the North Cape of Asia, the northern Cape of Good Hope, and, when rounded, the glorious East would surely be brought into view.

About this time there was founded in London an association of merchant adventurers, afterward known as the Muscovy Company. Its object was trade with the northern parts of Europe and Asia, and they hoped to reach India. To inaugurate this project, a great expedition was set on foot to double the mysterious North Cape.

It was a bold undertaking considering the ignorance then prevailing with respect to the regions to which the expedition was expected to penetrate. The most confusing ideas then universally prevailed. Very little was yet known of America, and neither geographers nor discoverers had been able to see that Asia and America were not one. Cortez had despoiled the Aztecs, and Pizarro butchered the Incas, and yet Mexico was thought to be a part of India. On the chart of Orontius Finæus, published in 1531, the capital city of the Montezumas lies midway between China and the mouths of the Ganges, and the distances *overland* from one place to the other were quite inconsiderable. It was in 1492, while Columbus was absent on his first voyage, that Martain Behaim completed his famous globe, which represents the Atlantic Ocean on the one side washing the shores of Asia, and on the other side washing the shores of Europe, with Japan occupying a position midway between the two continents in the great sea over which are scattered the Azores, Antilla, St. Brandan's Isle, etc.; yet when the Pacific Ocean became known, and the western coast of South and parts of North America rudely outlined, the great projecting tongue of land was still joined on to Asia at the north. That there might be an opening somewhere found, showing the separation of Asia and America, seems first to have occurred to Sebastian Cabot, who stood at the head of the Muscovy Company.

That grand old mariner and "formost seaman of his time" now busied himself, as if still a young man, to raise the money and equip the ships that were to pass over the unknown sea of the north, and with America on the left and Asia on the right reach the lands of which Marco Polo had written so glowingly and Sir John Mandeville so quaintly, the paradise of all the earthly hopes and joys to which all Europe then aspired.

The expedition comprised three ships, the funds being raised by subscription in shares of "twenty-five pounds" each. Six thousand pounds were thus obtained altogether.

It is a notable circumstance in the history of navigation, that the ships were English ships now for the first time sheathed with "thinne sheats of leade," a method of protection long before adopted by the Spanish and Portuguese. Altogether the preparations were made on the most elaborate scale; the ships were built exceptionally strong, eighteen months' provisions were put on board, and for both the moral and the physical welfare of the people the most perfect arrangements were made. Cabot says, "The like was never in any nation seen, used, or known." His instructions enjoin the strictest observance of morning and evening prayers, to be said by the chaplain or master, and there is to be no "ribaldry or ungodly talk, dicing, carding, tabling, nor other devilish games." He warns them against "all factious and false tales." The natives of all countries are to be treated "with gentleness and courtesy, without any disdain, laughing, or contempt," but they might be brought on board and "made drunk with wine or beer, that you shall know the secrets of their hearts."

The King wrote a letter addressed "to all kings, princes, rulers, judges, and governors of the Earth," and after saying that the heart of man "desireth to love and be loved, also to give and receive mutual benefits," he represents the duty of showing kindness to strangers and especially "to merchants who wander about the world, search both the land and sea, to carry such good and profitable things as are found in their countries to remote kingdoms and regions." After this the letter states that a valiant knight, Sir Hugh Willoughby, and other twenty servants, had departed from England, and the

King, after desiring for them free passage by their regions and dominions, promises, in like manner, to accept their servants.

We have been thus particular in reciting the details of this memorable expedition because it marks an era in geographical discovery. It may, indeed, be regarded as the real beginning of that persistent effort made by the maritime natives of Northern Europe to find a commercial route to India by the North Sea, instead of the South Sea, a northern Magellan Strait, — an effort which, although neglected at short intervals, was never really abandoned until its impracticability was proved three centuries afterwards.

Willoughby's two companion ships were commanded by Chancelor and Adams. The fleet sailed from England, May 23, 1553, was among the islands off the coast of Norway July 14, and soon afterward passed the North Cape of Norway. Then the fleet became separated in a tempest. Chancelor with his ship got into the White Sea, until then unknown to Englishmen, after having gone so far to the north "that he found no night at all, but a continual light and brightness of the sun, shining clearly upon the great and mighty sea." Here his party wintered at the little native town of Archangel, from which place Chancelor went to Muscow overland, and, being well received by the Czar, opened a valuable channel of trade with the Muscovite Empire, until then but little known to Western Europe.

Willoughby and Adams, not being able to find Chancelor, stood on in a northeasterly direction until they sighted land, which was, no doubt, Nova Zembla; but, finding no landing-place upon the bleak, snow-clad rocks, they then tried to go north, but were interrupted by ice; then they sailed southwest until they reached the coast of Lapland, not far from the White Sea, where Chancelor had already found safety. But they held to the west until they found a small harbor at the mouth of the river Arzina, where they concluded to pass the winter, having failed to find the port of Vardœhuus, which is situated on the north coast of Lapland, near latitude 70° N. and longitude 30° E., at which place the fleet was to rendezvous in the event of separation.

Some two years afterward a party of Russian fishermen,

while wandering along the shore, were astonished to discover two ships frozen in the ice ; and upon boarding them, the crews, to the number of seventy, were found dead, either from famine or excessive cold. The last entry of Willoughby in his journal is a description of journeys made to discover inhabitants, but "without finding any people, or any semblance of habitation."

Upon the return of Chancelor the company of merchant adventurers who had fitted out this grand expedition were so well pleased with the prospects of trade with Russia that they at once assumed the name of the Muscovy Company, and in 1555 sent Chancelor on a second voyage, during which he again reached Moscow. He learned that there was every year traffic held between this, the then capital of Russia, and the East, also with the North Sea, and he returned with a Muscovite ambassador and a cargo valued at twenty thousand pounds. But this costly cargo, together with the commander's life, was lost in Pitsligo Bay, where the ship was wrecked. The ambassador was, however, saved, and arrangements were promptly made with the Muscovy Company, which opened at length an extensive traffic between Russia and Central Asia by way of Archangel and Moscow.

No such profitable fruits, however, came from the west, where a still more practicable field was thought to lie. This was surely a shorter way to India than by the northeast. Besides, Willoughby had failed, and, so far as reaching the Indies by water was concerned, so had Chancelor and Burroughs, who followed him the next year. The cry now was for the northwest. It was first raised by Martin Frobisher, of whom Barrow thus speaks in his "Naval Worthies of Elizabeth's Reign":—

"He was one of those men who, by their zeal, energy, and talent, acquired and preserved for Queen Elizabeth the proud title of 'Sovereign of the Seas'; but few, however, know that he earned his early honors in a northern clime; few know that for fifteen long years he was continually pressing upon the minds of his friends and the merchants of the city of London the desirableness of renewing the attempt to find a passage by the Northwest."

Frobisher had everything to contend with, and he showed

himself worthy of the conspicuous place he subsequently held in the fleet which destroyed the Spanish Armada, by his perseverance, courage, and good seamanship. Not least among these obstacles was the idea to which men seemed, after more than three quarters of a century from the period of Columbus's first voyage, still to cling, that the West Indies were a part of Asia. "It was the conclusion of the Scholes," wrote Willes, when opposing the voyage of Frobisher, that "the West Indyes are a part of Asia. *Quidquid præter Africam et Europam est, Asia est* — whatsoever land doeth neyther appertayne unto Afrike nor to Europe, is parte of Asie."

Willes alludes to the globes of Mercator and the "Sea Carde" of Molitius, and quotes them as showing the unity of the continents, and extending "the West Indishe lande even to the North Pole, and, consequently, all passage by sea is cut off that way"; and here we find an idea set forth which one would think quite sufficient to dampen the ardor of even brave Frobisher, for on the Sea Carde of Molitius, in which Willes has firm faith, Asia and America are not only one, but Greenland is made "firme land with America, the North parte continent with Lappenlande and Norway," thus making it quite impossible that any ship could reach India by the north, inasmuch as the land interposed an impassable obstacle everywhere. At the present time, when we know how far Greenland is separated from Lapland, that there is a Behring Strait separating Asia and America, and that Davis Strait and Baffin Bay separate America from Greenland, such geographical speculations seem very absurd; but then it must be borne in mind that in those days there were no means of determining the longitude of a place, and that geographers, in constructing their charts, could only make the most vague conjectures as to the relative positions of lands lying along an east and west line. Distances were naturally confused, and different places seen by different persons were easily confounded.

For the sake of argument, Willes goes on: "Graunt the West Indies not to continue continent unto the Pole; graunt there be a passage betwyxt the two lands; let the goulph lye nearer us than commonly in Cardes we fynde it set, namely, betwyxt the 61 and 64 degrees North, as Gemnia Frisius in his mappes

and globes imaginith it, and so left by our countriman *Sebastian Cabot* in his table, yet doeth it not folowe that we have free passage to Cathayo." Then he proceeds to cite the Mediterranean Sea as an illustration, remarking how the narrow Isthmus of Suez blocks the passage from Alexandria to the Moluccas, and then observes: "In lyke manner, although the northern passage be free at 61° latitude, and the west ocean beyond America, usually called *Mer del Zur*, known to be open at 40° elevation, say the lande *Giapan*, yea, 300 leagues northerly above *Giapan*, yet may there be lande to hynder the through passage that may by sea, as in the example aforesayde it falleth out, Asia and America being then joined together in one continent."

Frobisher did not like this view, but declared, in support of his determination against all the "conclusions of the scholes," that to make a passage by the North Sea to the Indies was the only thing in the world remaining to be done by which "a notable mind might be made famous and fortunate." Columbus was eighteen years in realizing the great desire of his life, and Frobisher had only three years less to wait. But while the one achieved a brilliant success, the other undertook a hopeless task, and inaugurated a series of disastrous defeats.

Frobisher finally found a patron in the Earl of Warwick, through whose assistance an expedition was at last equipped, on the 7th of June, 1576, amid the firing of salutes, the fluttering of flags, and the waving even of the handkerchief of the Queen, who had sent a gentleman of her court on board "to make known her good likings of their doings," and wishing them a "happie successe."

It seems almost incredible to us at this time, that the fleet which set sail under such delightful auspices should have consisted of three vessels, whose aggregate tonnage was less than that of an ordinary fishing-smack, being respectively thirty-five, twenty-five, and ten tons' burden. Yet these small vessels braved the storms of the Atlantic, and were in latitude 61° on the 11th of July, with land rising before them like "pinnacles of steeples, and all covered with snow." They were then off the southern capes of Greenland, which being doubled Frobisher continued in a northwesterly direction, undaunted by

the circumstance that one of his vessels abandoned him, and his pinnace, with her crew of four men, was lost in a storm. In a few days he sighted land in latitude $62^{\circ} 30'$, and again in $63^{\circ} 8'$, which he named Queen Elizabeth's Foreland. Finding here a strait, he entered it fifty or sixty leagues. To this strait he gave his own name, which it still bears; and then, after some intercourse with a "salvage people, like to Tartars, with long blacke haire, broad faces, and flatte noses," he sailed for home with glad tidings that he had discovered a strait leading to Cathay and the Indies. The northern Magellan Strait was found at last, and Queen Elizabeth at once proclaimed her purpose to build upon its entrance a fort to protect her right to this, her exclusive route, from all comers and rivals whatsoever. It was reserved for our countryman, the late Captain Hall, to prove in 1861 that this so-called strait, whose discovery excited so much interest at that time, is only a deep bay.

Frobisher was intrusted with a much more powerful fleet the next year, — a circumstance not altogether owing, however, to the fact that a passage to Cathay had been discovered by him on his previous expedition; for some one of his crew had, as a mere souvenir of the voyage, brought home a small piece of a black mineral, from which some gold being extracted by a chemist, into whose hands it accidentally fell, it was believed that more of the same kind could be obtained. Merchants, with this understanding, were heartily willing to help the enterprise. More mineral was indeed found on the second voyage, but not of the same kind. It was worthless iron pyrites, resembling gold, of which they quarried out two hundred tons, and returned home, imagining themselves rich indeed, never once caring for the strait leading to the Indies.

Frobisher made a third voyage in 1578; but he mistook his reckoning in thick weather, and got into what is now Hudson Strait instead of Frobisher's. This time he was to have founded a colony; but the hardships and embarrassments of the cruise caused him to abandon all thought of it. Yet he confessed that had "it not been for the charge and care he had of the fleete and freighted ships, he could and would have gone through to the South Sea, called 'Mer del Sur,' and

dissolved the long doubt of the passage which we seeke to finde to the rich countrey of Cathayo."

Thus was the scheme of finding a passage by the north thoroughly inaugurated. Except in the trade with Russia overland from Archangel, no profit had, however, yet accrued from it to compensate for the outlay. The French abandoned the idea of a passage when they discovered the St. Lawrence to be a river, and settled themselves down to fishing and colonizing. The field was open to the English in both directions until the Dutch, in 1595, appeared as rivals in the field. Meanwhile Pet and Jackman, in two English vessels, attempted to sail around Asia, twenty-seven years after the disastrous voyage of Willoughby, and, passing through the Waigatz into the Sea of Kara, found themselves soon arrested and driven back by the ice, which is almost the first notice we have of any serious obstacle encountered from that cause in Arctic navigation. Hitherto it had been dangerous coasts or stormy and thick weather.

Imitating the example of the French, and realizing the value of the fisheries there, Sir Humphrey Gilbert, in 1583, attempted the colonization of Newfoundland, a project which ended only in disaster. Then, in 1585, "Divers worshipful merchants of London and the West country, moved by the desire of advancing God's glory and the good of their native land," formed a plan for another attempt, and, throwing aside, as they declared, all thought of gain, fixed their thoughts solely on the discovery of a passage to India. They purchased two vessels, the "Sunshine" of fifty and the "Moonshine" of thirty-five tons, and despatched them under John Davis, "a man well grounded in the principles of the Arte of Navigation."

Davis sailed from Dartmouth, June 7, 1585, and about a month afterward passed up the west coast of Greenland, which he properly called "The Land of Desolation." About latitude 64° he found, however, some green isles, upon which dwelt amicably disposed natives, and here they remained nearly a month, as Davis says, "to refresh ourselves after our weary travell." They also trafficked for furs, but a good breeze springing up they put to sea, and, steering northwest, crossed

the strait which now bears the name of its discoverer, and on the 6th of August made land and called it Mount Raleigh. This lies back of the present Cape Walsingham, which, projecting far to the eastward, narrows the sea between Greenland and America to about one hundred and eighty miles, thus forming Davis Strait. Here the ships were anchored for a few days, when they sailed south, doubled a promontory which was named "Cape of God's Mercy," and then stood west into a sound, now Cumberland, where no ice was seen, and where the water was "of the very color, nature, and quality of the main ocean." Keeping on their course for eighty leagues, without meeting with any obstruction, they became finally enveloped in dense fogs and storms, in the midst of which Davis decided to go home and report that they had found the passage.

Davis was sent again the following year with four vessels, and pursued much the same course, reaching this time latitude $66^{\circ} 33'$, whence he shaped his course southerly, but nothing important was accomplished, further than to give the commander a "perfect hope of the passage; finding a mightie great sea passing between the two lands west." During this voyage much heavy ice was encountered.

Again, the next year, Davis was in his old strait, but this time he was equipped on the assurance that the outfit could be paid for by fishing. Accordingly, his two largest ships were left at Gilbert Sound, on the Greenland coast, for that purpose, while he followed up that coast in a little clinker called the "Helen," the only description of which we have is that it "moved through the water like a cart drawn by oxen." In this craft he reached latitude $72^{\circ} 12'$, where he was arrested by adverse winds, while there was still an open sea to the northward. He was now farther north than a ship had ever sailed before, and lay a little to the south of one of the grandest landmarks of the Greenland coast,—a lofty mountain four thousand five hundred feet high, rising abruptly from the sea, and covered perpetually with snow and ice. Davis named this mountain Sanderson's Hope, after one of his patrons. Near its base, on the north side, lies at the present time the little Danish-Esquimaux colony of Upernavik, the northernmost colony of Christians on the globe.

The storm compelled Davis to stand to the westward ; much ice was encountered on the way, and for two weeks they were in continual fear of shipwreck, yet they made Mount Raleigh at last ; but, except that Davis penetrated a little way into the strait now called Hudson, he added nothing to what he had brought before, namely, disappointed hopes and illusive promises. The two fishing-ships returned separately.

The promised coming of the Spanish Armada, and the death of Walsingham, the Queen's secretary and a great patron of discovery, put an end for the time to all thought in England of a northern passage to India. But the Dutch now entered the field on the representations of the merchants of the United Provinces, that, inasmuch as the Spaniards and Portuguese held a monopoly of trade with India by way of the South Sea, and there was no doubt a passage could be found by the North, an expedition should be equipped to obtain some portion of the trade.

Accordingly, four vessels were fitted out, and they set sail from Trexel, June 5, 1594, on the track of Willoughby. At Kola, Lapland, the squadron separated, Barentz going northeast until he reached the extreme north point of Nova Zembla, which he could not pass on account of heavy ice. This was July 29. His position was latitude 77° , off what he called Ice Cape.

The other division of the fleet, under Cornelis Corneliszoon Nay, reached Waigatz Island, which lies between Nova Zembla and the mainland, and, passing it to the south, they stood northeast through the Sea of Kara, where Pet and Jackman had been in 1580. This was July 21. They found the water free from ice, but covered with floating trees, trunks, roots, and branches, which they correctly judged to have come down from some great river. The shores of Waigatz Island were "enamelled with herbage and flowers of every color, and were of an agreeable odor."

Finding the land on the south side of the Sea of Kara trending southeast, they suddenly made up their minds that it kept on in the same direction all the way to India, and, finding a pleasant climate, an open sea, and a southerly setting current to strengthen their convictions that they had found without a doubt the northern passage which had been sought after for

a hundred years, they, on the 14th of August, put their helm up and returned home to give the good tidings.

Convinced of the correctness of their idea, the government and merchants jointly fitted out seven ships, with merchandise suitable for the India trade, and despatched them under Barentz. But the Sea of Kara was not so amiable this time. A heavy storm drove in upon them from the northward, and forced them back through the Waigatz.

Still the merchants were not discouraged, but sent Barentz and Rijp the next year with two ships. Barentz was in favor of going by the Waigatz; Rijp was for trying by the north of Nova Zembla. Barentz yielding, they sailed nearly north, until they discovered an island which they called Bear Island (now Cherie Island). To the north of this, in latitude 80° , very much to the north of any point that had then been reached by any vessel, and almost as far north as any vessel has gone even to the present day, they discovered a very large island, which, from its sharp mountains, was called Spitzbergen.

Here the commanders again differed, Rijp abandoning the Nova Zembla route, believing that the true passage to China and India was to be found by this great land which they had discovered. But he was baffled everywhere by ice, and when too late in the season to try any other course he returned home.

Barentz, on the other hand, held southeastward to Nova Zembla, which being reached, he changed his course and doubled it to the northward August 26. Here the ship "wandered in fogs and floating ice," and was completely beset at last on the east coast of the island in latitude 76° , when, finding it impossible to extricate themselves, the people saw that they were doomed to pass through the trials and privations of an Arctic winter. At the present day this would not be considered a serious matter. It has of later years become a thing of such common occurrence that it is thought little of. But then they had no such conveniences and appliances for health and comfort as we have now. No vessel had ever before wintered in the Arctic regions, and we can readily imagine the terror with which the seventeen men of Barentz's crew saw the sun sinking beneath the dreary waste of snow

and ice about them, not to rise again for three long months. They, however, built a hut upon the shore, and managed to live through the gloomy interval; but in the spring, finding their ship immovable, they abandoned her altogether, and in two open boats they set out for the port of Kola in Lapland, which they reached August 25. After encountering incredible hardships, five of them died from sickness and exposure, including the brave commander, who perished almost at the outset of the journey, near the North Cape of Nova Zembla.

It will thus be seen that three routes by the North Sea to China and India had been tried in the century following the discovery of America, every one of which had baffled the daring adventurer, and brought in the end nothing but loss and disappointment to himself and patrons. Yet the project was not abandoned, and was from time to time persisted in with redoubled energy. The motives to all this zeal we have set forth so fully that the subsequent efforts in either of these directions may be very briefly related; for they were practically but repetitions of former failures, although they brought a steady increase of geographical knowledge.

Up to this time nothing whatever was known of the north coasts of Asia beyond the Sea of Kara, and nothing of the north coast of America. Nothing was certainly known of the North Pacific, yet, as the Spaniards steadily crawled up the west coast of America, it began at length to be understood that a vast continent lay between Europe and Asia. Then the "conclusion of the scholes" that America and Asia were united at the north began to be seriously doubted, and the fabulous "Straits of Anian," which every ambitious mariner was anxious to seek, came to be believed in. This strait was first drawn in the Ptolemy of 1513, but was afterwards more exactly set forth by Molitius and Mercator, and on the map of Locke. The idea of it may very probably, as Mr. Brevoort has suggested, have arisen from a faulty reading of the words *Mar Usiano*, which Schöner on his globe gives as the name of the sea bounding America on the north.

The Spaniards were very enterprising on the Pacific side, and sought to find these "Straits of Anian," that passage which they as well as the English, French, and Portuguese

had failed to find from the Atlantic side; and one of their number, Lorenzo Maldonado, actually declared that he had come through the straits in 1588. His motive was to sell the information to the English, but the bargain was never consummated, since he would not consent to pilot the way.

A few years later the Greek adventurer, Juan de Fuca, then in the employ of Spain, following the coast much farther north than any of his predecessors, came to the strait which now bears his name; but, without stopping long enough to explore it thoroughly, like Frobisher, Davis, and Rijp, he hastened back to proclaim the great discovery of the strait connecting the two oceans. The information not being prized by the Spaniards, he offered it to the English; but the English could not reach it without encountering the Spaniards and Portuguese, who held firm possession of all the South Sea, and De Fuca, now quite disheartened, returned to Mexico, where he soon afterwards died.

About this time it was currently reported, and was generally believed, that a Spanish friar named Andreas had sailed through, from sea to sea, in a ship; but the rumor could not be verified, because the friar could not be found.

Thus was a fourth quarter opened for a trial to accomplish a short passage between Europe and India by the north. It was, however, never seriously prosecuted, until the Russians undertook it in the time of that enterprising monarch, Peter the Great.

The northeast route was practically abandoned with the disastrous voyage of Barentz, almost the only attempt at a revival of it being by Captain John Wood in 1676. One of Wood's vessels was wrecked on the coast of Nova Zembla in latitude $75^{\circ} 59'$, and he barely escaped with the other.

The public interest became now centred in the northwest and the north, to both of which a new interest was soon added in the discovery of vast schools of whales, seals, and walrus, both in Davis Strait and in the seas about Spitzbergen.

Having thus illustrated the motive to Arctic discovery, and traced the course of the early ventures, we will here leave the general chronological order which we have thus far pursued with respect to the entire field of exploration, and briefly trace

the progress of the work which has been done in different quarters ; for, from the beginning of the seventeenth century, the history of the attempts to find a passage by the north has little interest, except such as is attached to the general progress of Arctic geography. To the routes of discovery hitherto pointed out we must now add the overland journeys and coasting voyages of Siberia and British America.

It was more than a hundred years after the Spaniards had traced the western coast of America as far north as the Straits of Juan de Fuca, before the Russians, after conquering the native tribes inhabiting the northern parts of Asia, appeared in any considerable force on the Asiatic side of the North Pacific. By these conquests and the steady advance of traders and hunters towards the Arctic Ocean, the civilized world first came to know of the vast expanse of Asia northward, and, in like manner, the traders and trappers of the northern part of America that it steadily expanded in like manner with Asia. But of the great arms which stretch out from either continent, nothing was known until 1729, when Captain Vitus Behring was despatched in that direction.

Behring set out from St. Petersburg, February 5, 1725 ; but did not reach Okhotsk, a distance of four thousand five hundred miles, until July 14, 1728. Here two vessels were built, and named the St. Peter and the St. Paul. Their first winter was passed near the southern extremity of Kamtschatka, in a harbor which was named after their vessels, Petropaulowski. By this year's work Behring showed the separation of the continents by passing through the narrow strait which now bears his name. He reached latitude $67^{\circ} 18'$, where no land was seen on either side, thus showing that the coast trended to the east on the one hand, and to the west on the other. Afterward these explorations of the coast were continued on the Asiatic side as far as Cape Yacan ; but all efforts to pass that cape were, as they have since been, unavailing by reason of the ice.

The development of the long line of coast lying between Cape Yacan and the White Sea is due to efforts made at different times by Russian naval officers, hunters, traders, and Cossacks.

No further explorations in the track of Behring were made

until Captain Cook entered the strait in 1776, when that immortal navigator, after doubling the great promontory which marks the boundary of the strait on the American side in latitude $65^{\circ} 45'$, pushed north to latitude $70^{\circ} 43'$, where, encountering a "close and solid wall of ice," he bore away for the American shore, along which he found it impossible to proceed farther than the headland, which he named Icy Cape. Captain Clerke, who succeeded him in command, renewed the attempt the following year. It must be here borne in mind that the object was to effect a passage from the west to the east. Cook was under instructions to meet Pickersgill and Young, who were to seek a passage from east to west, on the old track of Hudson.

Vancouver, by a thorough examination of the American coast between latitude 41° and 60° , settled satisfactorily the question of a passage existing there, as had been vaguely supposed since the time of De Fuca. This proof was further strengthened by researches of Kotzebue in Kotzebue Sound, latitude 68° , in 1815. In 1825 the coast-line was completed by Captain Beechy in boats from the famous "Blossom," from Icy Cape to Return Reef, where the survey had been abandoned by Franklin.

The expeditions to this quarter of a later date were, with the exception of the United States vessel "Vincennes," Captain (now Admiral) Rodgers, all, then, in search of Sir John Franklin, and they have added little to our knowledge of Arctic geography. They were the "Herald" and "Plover" expedition, in 1848, and the "Enterprise" and "Investigator" of 1850. The former, however, reached two islands, which bear the vessels' names, north of Behring Strait, in latitude 71° . These islands are, no doubt, outlying rocks of the traditional Polar Land of Wrangel, recently reached in latitude 73° by Captain Long, of a whaling-ship.

The great feature of the voyage of the "Investigator" was actually to prove, for the first time, that a passage between the oceans really did exist. This ship found little difficulty in passing the Icy Cape of Cook, and, after coasting eastward to Bank's Land, it stood northward until caught by the winter in Mercy Bay. Not being liberated after a second and a third

winter, the ship was abandoned, and the party, travelling over the ice, were picked up by the "North Star" in Lancaster Sound, and were brought home through Baffin Bay. Thus did Captain McCluer and his people complete the circuit of America, — a feat which will probably never be repeated. And thus, after an interval of more than three and a half centuries, the vexed question which was once the commercial hope of so many nations, which had cost so many lives and so much treasure, was at last set at rest. Yet, after all that had been done, it was shown that the passage had never been and never could be available for commercial purposes.

We have not space to follow the course of the fifty-five different expeditions which have been engaged in the interesting service of exploring the north coast of Asia. The first effort was made in 1598. This was, however, merely an armed force, sent to punish the refractory Somoïedes, on the Yenisei. Twelve years later the Cossacks, in pursuit of tribute, were the first to reach the Polar Ocean at the mouth of that river; and immediately after them followed a party of merchants and hunters, who reached the Piasina River in boats, finding, in all parts, a rich harvest of furs. In 1630 the Lena was discovered by the Cossacks, and in 1638 the Indigirka. These rivers being traced to the Polar Ocean, there was brought into view the vast wealth of mammoth ivory which lies embedded in the frozen mud of the lowlands near the sea; and it was chiefly in the pursuit of this valuable commodity that the subsequent expeditions were undertaken. The Kolyma and Yana Rivers were in turn discovered, and traced to their mouths. The Bear, Liakow, and New Siberian groups of islands were explored, and, ivory being found everywhere, the activity of the Russians along these shores became very great. They soon built small vessels with which to navigate the leads of water which are, early in the summer, opened through the ice along the shore by the warm floods pouring into the sea from the great water-shed of Northern Asia, which, equalling four millions of square miles, discharges to the Polar Ocean. The dangers and privations of this navigation along these coasts were great, but the treasure obtained was likewise great, and, cape after cape being doubled, new features of the coast were

brought to notice ; and while gallant officers of the government led the way, merchants and hunters followed to gather up the spoils.

But they did not pursue their explorations and traffic in their small craft alone. They soon learned to use the sledges drawn by the dogs of the native tribes inhabiting these bleak shores. With these they travelled during the winter, and with these it was that Hedenström in 1808–11 and Wrangel and Anjou in 1820–24 performed their celebrated journeys. These two latter officers, taking up their quarters, the former at Nijnei Kolymsk, near the mouth of the Kolyma, the latter at Ustryansk, at the mouth of the Yana, traversed through four successive winters the ice-fields of the Polar Ocean, extending their range of observation through more than fifty degrees of longitude. Their instructions were to survey the coasts and to seek a polar land to the north, which the natives declared was sometimes visible from the Siberian shore. But in this direction they found themselves invariably arrested in their northward course by open water, which, beginning some twenty-five miles northwest of the new Siberian Islands, extended in a southeasterly direction toward Cape Yacan. From this circumstance arose the idea that the ice-belt was a land-belt, that it could be crossed, and that a vast open sea lay within it about the North Pole. The meeting with this water was a serious disappointment to Wrangel, checking as it did his travels toward the Pole. He describes it as “illimitable to human vision.”

The development of the north coast of America was begun by Samuel Hearne, a brave and enterprising man, who had been bred in the service of the Hudson Bay Company. Of the vast extent of country to the north of their trading-posts there were previously but vague conjectures.

The natives having brought in some copper ore which they had obtained, as they said, from a large river, Hearne was sent to find it, which he succeeded in doing on his third journey. Tracing the river, now known as the Coppermine, to its mouth, he was the first civilized man to look out upon the Arctic Ocean from the American side. Thus, in another quarter, did the hope of profit lead to a new field of geographical discovery.

Hearne was succeeded by Alexander Mackenzie, who dis-

covered and followed the river, since named after him, to the ocean, which he reached July 12, 1789. In the summer of 1821, Captain, afterward Sir John, Franklin descended the Coppermine, and in two frail canoes traced the coast eastward through about six degrees of longitude; but upon attempting to return by Hood River, the party met with incredible hardships, and many of them perished from cold and starvation. In 1825, Franklin and Richardson, descending the Mackenzie, traced the coast westward to Return Reef, in longitude $149^{\circ} 37'$ west, and east to the Coppermine, a range of about thirty-six degrees of longitude. In 1834, Captain Back descended the Great Fish River, now, however, called Back's River, to the Arctic Sea; but, being embarrassed by the ice, he was obliged to return without adding materially to the Arctic coast-lines.

In 1837, Dease and Simpson, of the Hudson Bay Company's service, traced the coast one hundred and sixty miles east of Franklin's farthest. In 1838 and 1839 these same skilful and bold explorers completed what remained of the undetermined coast of the mainland as far east as Boothia; they also discovered Victoria Land to the northward, and surveyed a considerable part of its southern coast. By these various expeditions a coast-line stretching over sixty-five degrees of longitude was added to Arctic geography, through British valor and perseverance.

In 1848, Richardson and Dr. Rae descended the Mackenzie; but as their object was a search for Sir John Franklin, they added but little to Arctic geography. The latter did more when, in 1852-53, after wintering in snow huts at Repulse Bay, he not only completed, during a long foot-journey, the survey of the hitherto untraversed coast-lines between Repulse Bay and Back's River, but actually solved the mystery of Franklin's fate, a subject to which we shall again presently allude.

Recurring again to the north and northeast, we find, in 1603, Alderman Cherrie of London sending a ship to Spitzbergen, under command of Stephen Bennet. This was the beginning of the whale fishery of that region, which, rapidly growing into importance, employed at one time four hundred sail.

The Muscovy Company from the time of Willoughby kept up a lively trade with Russia, but they had little disposition

at this time to try a passage to India by the northeast; but they were prevailed upon to send Henry Hudson by way of the North Pole. He sailed in an absurdly small vessel, the name of which is unknown, with a crew of ten men and a boy, May 1, 1608. Sighting Greenland in latitude 70° , he named a lofty snow-crowned mountain "Mount God's Mercy." Following the coast north to 73° , he there fixed the name "Hold with Hope" to a prominent headland, and then stood northeast. On the 27th of June he saw Spitzbergen, along which he coasted until he had passed, as he declared, latitude $81^{\circ} 30'$, seeing land still beyond; but he was probably out a degree in his reckoning, since Spitzbergen does not extend beyond 81° . Being driven back by ice and a scarcity of food, he returned home. But he set out again the following year; this time, however, to the northeast. In latitude 75° he fell in with ice which he could not penetrate. He afterward landed on Nova Zembla in latitude $71^{\circ} 12'$; but, being "void of hope of a northeast passage," he set sail for England.

His employers appear not to have been pleased with his conduct, for we find him, the next year, in the service of the Dutch East India Company, whose object seems now once more to have been the finding of a passage by the northeast. Hudson reached North Cape, May 19, 1609; but, without following up his instructions, if they were, as they seem likely to have been, to seek the Indies by the northeast, he at once turned his ship's prow for North America.

Where he first touched the coast of America has been a matter of much discussion, for Hudson's statements are very meagre and conflicting. He was a good seaman, but a shockingly bad narrator. He, however, entered what was afterward called Hudson River, which he was the first to ascend, with the hope of finding a passage to the north and west, upon which project, from the beginning, he had set his heart, having little faith either in the north or northeast.

The voyages of Poole, in 1610 and 1611, were unimportant, further than to show how the thirst for discovery was quickly changed to hunting for walrus. Poole reached $79^{\circ} 50'$. The same may be said of the two voyages of Robert Fotherly, in 1614 and 1615, who reached latitude 80° . That quarter was

now for a time wholly given over to the fishermen, who, according to Davis Barrington, made, in pursuit of gain, astonishing progress towards the Pole. Barrington was a firm believer in the existence of an open sea at the Pole, and he brought forward statements to show that four Dutch whale-ships had penetrated to the parallel of $81^{\circ} 30'$, seven to 82° , three to 83° , six, in company, to 86° , three to 88° , two to 89° , one to $89^{\circ} 30'$; he even went so far as to assert that a ship had once gone two degrees beyond the Pole and another twice around it; and he exhibited a map, published under the auspices of the Royal Academy of Berlin, placing a ship at 90° . These voyages were all on the west side of Spitzbergen, as were the subsequent government expeditions of Phipps, in 1773, to $80^{\circ} 48'$; of Buchan and Franklin, in 1818, to $80^{\circ} 32'$; of Tchitschagof, in 1766, to $80^{\circ} 30'$; of Sabine and Clavering, in 1823, to $80^{\circ} 20'$; all being arrested by the ice-barrier which, more or less continuously, extends from Nova Zembla to Greenland.

Of the navigators of later times, the only one whose experience resembles that claimed by Barrington for the Dutch whalers is that of Scoresby, who reached, in 1817, latitude $81^{\circ} 30' W.$, in longitude $19^{\circ} E.$, finding everywhere an open sea. It is unfortunate that duty to his employers — for he was in pursuit of whales, and not of the North Pole — should have compelled his return to the fishing-grounds about Spitzbergen and the South, along the ice-fields near which the whales are generally found.

With respect, however, to these voyages of the early Dutch whalers, details of which are given very circumstantially, not only by Barrington but by Edward Moxson, hydrographer of Charles the Second, who was in Amsterdam in 1655, and busied himself with gathering a mass of statements from sailors of every rank who had been to Spitzbergen. We may here remark that these statements were made for the most part by irresponsible persons, who, having no personal or government dignity or service to maintain, were without some of the motives to carefulness of statements. Dr. Kane discards these accounts as “apochryphal,” “their imperfect nautical observations rendering wholly unreliable their assertions of lati-

tudes," and Chief Justice Charles P. Daly, President of the American Geographical Society, in his annual address of 1870, after carefully revising the different stories, arrives at this conclusion: "Those who, like myself, have passed years in the daily occupation of sifting and weighing testimony, know that little or no value whatever is to be attached to evidence of this description."

The most memorable expedition in this quarter is that of Sir Edward Parry, who, being taken by the ship "Hecla" to the west side of Spitzbergen, as far as the ice would allow, set out then over the frozen sea, on the 22d of June, 1827, with two boats, each having a crew of ten men, to reach the Pole,—an attempt which Dr. Kane justly said was "unparalleled in the history of personal adventure." The boats used were heavy, weighing each three thousand seven hundred and fifty-three pounds, the ice was bad, and their progress was necessarily slow. Heavy fogs likewise embarrassed them. On the 25th of June they were in latitude $81^{\circ} 13'$. Twenty-seven days afterward, July 22, they had reached $82^{\circ} 43' 5''$, having thus advanced only ninety-two miles, or less than three and a half miles a day. From the 22d to the 26th they made between ten and eleven miles by their reckoning, but to their dismay they found themselves, after their four days' toil, in latitude $82^{\circ} 40' 23''$, or three miles to the south of their position four days before, although they had actually travelled, as above stated, due north between ten and eleven miles. The ice had therefore drifted with the ocean current thirteen to fourteen miles, and hence they were actually going south faster than they were travelling north. In this emergency there was nothing for them to do but return.

This attempt of Parry closes the history of discovery in the quarter between Nova Zembla and Greenland, until the subject was revived again within a few years, mainly, it may be said, at the earnest instigation of the eminent geographer, Dr. Peterman of Gotha. The public has, however, been made so familiar, through recent publications, with the various voyages of the Germans, Swedes, Norwegians, and English in that direction, that it is not needful here to allude to them further than to observe that nearly the whole line of the ice-barrier

from Greenland to Nova Zembla has been retraced without the discovery of a practicable opening; at least, if an opening was found, it was not followed. But while failing in this, our knowledge of Spitzbergen has been greatly extended, new islands have been discovered, great additions have been made to the surveys of Scoresby, Sabine, and Clavering on the Greenland coast, and in hydrography and natural history most important results have been achieved.

Leaving this quarter, we come once more to the northwest, where we find Waymouth, in 1602, following up the track of Davis, and struggling against evil fortune and a mutinous crew. He was employed by the old Muscovy Company and the newly formed company of the Levant, and, as all his predecessors had done before him, sadly disappointed his patrons. The only value of his voyage was to point the way for Hudson, in his fourth voyage, into the great bay which bears his name.

This expedition of Hudson was a private one, made in the ship "Discovery," of fifty-five tons. He sailed from the Thames, April 17, 1610, touched at Iceland, and on the 15th of June "rayased the Desolations," which is Greenland. At the end of the month he was off Resolution Island at the mouth of Frobisher Strait. Passing to the south of this, he found himself at the entrance of a great strait, into which, much elated, he pushed his way, notwithstanding the ice which constantly endangered his vessel. His people became alarmed, and then mutinous: "Some were of one minde, and some of another; some wishing themselves home, and some not caring where, so they were out of the ice." Necessity, however, compelled them all to work in order to free the ship. They were then off some sheltering islands which were named the "Isles of God's Mercy," and about a hundred leagues up the strait in latitude 62° 9'. Beyond to the westward Hudson saw a vast sheet of water, which he had no doubt was a portion of the great Pacific Ocean. One can imagine his feelings of exultation at having finally, as he thought, accomplished what had been so often tried before in vain.

Hudson now began to look about him for a more genial climate wherein to winter, and, after wandering about "in a labyrinth without end" for three months, the ship was at

length frozen fast, exactly where is not known, and the winter was passed most miserably. When the ship was again afloat, Hudson was treacherously seized, thrust into an open boat with eight sick men, and set adrift, never to be heard of more. Thus did he find a grave in the magnificent inland sea which he had been the first to navigate; and thus perished one of the ablest, most industrious, and most daring seamen of his own or any other time.

In 1612, Thomas Button followed the track of Hudson, and, by his discoveries in Hudson Bay, laid the foundations of the afterward famous Hudson Bay Company. The quaint names still retained on the maps of that quarter, such as "Queen Anne's Forelands," "Cary's-Swan's-Nest," "Hopes Checked," all attest the extent of his voyage. This last name clearly indicates the commander's disappointment when it was discovered that the great sea of Hudson was bounded by land to the west, and that it was no part of the Pacific Ocean.

During the same year, James Hall, a Dane, made another attempt; but no importance is attached to it further than it marks a peculiar era in navigation. Up to that time, while latitude was obtained with considerable accuracy, of longitude there was nothing approaching to it; and nothing was known of a vessel's easting and westing, except such as was obtained by the uncertain method of dead-reckoning. Hence the maps of the period present a strange crossing of coast-lines and confusion of distances.

William Baffin accompanied Hall, and, for the first time of which we have any record, practised a method of his own invention for determining the longitude at sea by an observation of the heavenly bodies.

Baffin was the next to seek China and India by the north-west, although his ship (the "Discovery" of Hudson's voyage) was actually under command of Robert Bylot, who had been already three times to the Arctic seas. The upper parts of Hudson Bay were explored; but there was no passage to be found that way. They sailed again together in the same small ship the following year; this time, however, following the Greenland coast. About the middle of May, they were off the Sanderson's Hope of Davis. Continuing thence north-

ward, they encountered ice June 19, in latitude $74^{\circ} 4'$. This was in what is now Melville Bay.

A fruitless effort was made by Baffin to work his way to the westward; but, unable to get disentangled from the ice, he took shelter behind some islands (probably the Duck Islands) in latitude $73^{\circ} 45'$. The ice melting very fast, they again took to sea June 28, and reached open water July 1, in latitude $75^{\circ} 40'$, which "anew revived the hope of a passage." On the day following they passed, in latitude $76^{\circ} 35'$, a headland, which they called Cape Dudley Diggs. A few leagues beyond, they opened a sound which was named Wolstenholme; then they passed and named the Cary Islands and Whale Sound and Hakluyt Island, and on the 8th of July discovered a sound opening north, which was called Sir Thomas Smith's Sound, and which, in later times, has become famous as one of the favorite routes to the North Pole.

With a fair wind they then stood southwest until they came to another sound, which was named after Alderman Jones of London. Two days later, July 12, another was discovered in latitude $74^{\circ} 20'$, to which was given the name of Sir James Lancaster.

Through neither of these sounds was there any passage to be found, on account of the ice; and, from this time forward, as they went south, remarks Baffin, "wee had a ledge of yce between the shoore and us." Following the shore to latitude $65^{\circ} 40'$, and seeing that "hope of passage could be none," and "seeing that wee had made an end of our discovery," Baffin bore up for Greenland, where, in Cockin's Sound of Hall, he anchored and found "some refreshing for the men" in the shape of scurvy grass (*Cochlearia*), of which they made plentiful use, and, "with the blessing of God," were restored to health, after their hard and most wonderful voyage; for, whether we consider the smallness of the vessel (only fifty-five tons), the dangerous character of the sea which they traversed, the vigor and boldness with which the voyage was executed, or the magnitude of the discoveries made, there is no other expedition to compare with it in the whole history of Arctic discovery.

Following Baffin were several expeditions which we need

only barely mention : as that of Jans Munk, a Dane, who entered Hudson Strait, but did nothing more than change some names given to geographical positions by previous discoverers ; that of the eccentric Captain Luke Fox, or "Northwest Fox," as he called himself, in 1631, who circumnavigated Hudson Bay, and, after reaching "Fox, his Farthest," had to confess to the same failure as his predecessors concerning the passage ; and of Captain James, who explored, the same year, the bottom of Hudson Bay, to which he gave his name, and from which he, of course, found no western outlet.

From this time forward nothing was attempted until 1719, when Knight, Barlow, and Vaughan sailed to Chesterfield Inlet, confident of there finding a passage. And there they all perished, martyrs to a cause in which they had unbounded faith, as was abundantly shown by their taking with them strong iron-bound chests in which to secure the treasure they were to find in India. In 1741 the Hudson Bay Company equipped an expedition under Middleton and Moore, and another under Moore and Smith, in 1746, with like results as to the passage. The same was true also of Pickersgill and Young, who, in 1776 and 1777, were sent by the British government, in the "Lion," to co-operate with Captain Cook, who, as already stated, was to meet them from Behring Strait.

The subject was allowed once more to rest for a time until, a fresh zeal having been manifested for Arctic discovery, Sir John Ross was despatched, in 1818, in two ships, the "Alexander" and "Isabella," to find the passage through Lancaster Sound ; but he only followed the track of Baffin, and, being convinced that the sound was crossed by a range of mountains which he named after one Croker, he returned home with the report that there was no passage that way. Captain, afterward Sir Edward, Parry, who commanded the second vessel, doubting the accuracy of his superior's statements, was sent the next year in command of another expedition, comprising the two ships "Hecla" and "Griper."

Parry proved the "Croker Mountains" to be another Arctic fable, and, sailing westward into Lancaster Sound through more than thirty degrees of longitude, finally crossed the one hundred and tenth meridian, and thus won a government prize for

himself and crew of five thousand pounds, which had been offered by the British government to any one who should reach that degree, with fifteen thousand more if a through passage was made. But the winter had now set in, and, a harbor being found on Melville Island, the ships were soon frozen fast; and it became the province of Parry, in all respects the most skilful of all Arctic commanders, for the first time to prove that, with proper care and discipline, an Arctic winter may be passed without loss of health or serious lack of comfort. The following summer found every passage so completely closed with ice that they could make no further progress westward.

Parry's next attempt was through Hudson Bay, in the ships "Fury" and "Hecla," in 1821; and his third, in 1824, through Lancaster Sound, and then south through Prince Regent's Inlet. In these three voyages Parry greatly extended geographical knowledge, but there was no passage found, or any great promise of one.

In 1825, Captain G. F. Lyon, who had been with Parry, made another attempt through Hudson's Bay to follow up Rewes Welcome to the west of Southampton Island, and through the Fury and Hecla Straits of Parry; but a violent gale while among the ice so crippled his ship, the "Griper," that the expedition had to be abandoned. A similar attempt to the east of Southampton Island, through the Frozen Strait, was made by Captain Back, in the "Terror," with equally bad fortune, in 1836.

Sir John Ross made his second voyage in 1829, — a voyage which is chiefly memorable from the fact that it is the first time that steam was applied to Arctic navigation. His vessel, the "Victory," was a paddle-wheel steamer, and although unfit under ordinary circumstances for ice navigation, yet he reached Boothia, the northern extremity of the continent, so named by him after Sir Felix Boothia, his patron. The "Victory" was locked in the ice, and was never liberated; and the party, taking to their boats, reached Baffin Bay after encountering great hardships, where they were picked up by a whale-ship.

The subject was now suffered to rest again until Sir James Ross returned from his brilliant voyage in the Antarctic Sea,

when Sir John Barron and Colonel Sabine, backed by the powerful influence of the Royal Society, prevailed upon the government to use the same two vessels, the "Erebus" of three hundred and seventy-nine tons, and the "Terror" of three hundred and twenty-six tons (which, being already completely equipped for ice navigation, were therefore good for little else), to seek once more the northwest passage.

Sir John Franklin had been for many years one of the most enthusiastic advocates of Arctic discovery. "You know," he wrote a friend in 1836, "that no service is nearer my heart than the completion of the survey of the north coast of America and the accomplishment of a northwest passage." He was now, however, well advanced in years, and was, by many persons, thought to be too old to withstand the fatigues of such an undertaking. Captain F. R. M. Crozier, who had just returned with Ross from the south, was thought by these to be the right man; but the command was offered to Franklin, with Crozier as second. The offer was accepted, and the two vessels, which had been to latitude 78° south, were thoroughly equipped for a northern voyage of three years, and left the Thames, May 26, 1845. They were last seen by a whaler, moored to an iceberg in Melville Bay, waiting for the pack to open.

The third winter of their absence had nearly passed before there was any great anxiety felt for their safety. That they had succeeded, and would be heard from in the Pacific Ocean, was generally believed. But vessels returning from that quarter without tidings of them at length excited alarm, and three expeditions — one overland by the Mackenzie River, another by Behring Strait (both already referred to), and a third, under Sir James Ross, to Lancaster Sound — were despatched, in the spring of 1848, to seek them. No traces of them being discovered, the attempt was renewed in 1850, with increased force of men and ships, the squadron operating on the Baffin Bay side alone numbering eight English ships, to which must be added the two vessels "Advance" and "Rescue" of the United States squadron, furnished by the liberality of Henry Grinnell and the late George Peabody. These were supported by supply-ships with additional stores during the next three

years. Although this extended search yielded only unsatisfactory results as to the fate of the missing ships, the great congeries of islands lying to the north of America was thoroughly explored by foot parties, mile by mile, and while but few traces of Franklin's party were discovered, thousands of miles of new coast-line were added to the charts. The few traces were found at Beechy Island and Cape Riley, on the north side of Lancaster Sound, in 1850, and the conclusion formed was that the "Erebus" and "Terror" had there passed the first winter.

In 1853 five of the vessels of the search squadron were left in the ice, none of which were afterward heard of, except the "Resolute," and the search was abandoned as hopeless.

Then came the news that Dr. Rae had found traces of the party on Montreal Island, at the mouth of Back's River. This once more aroused the devoted Lady Franklin to action, and a vessel, the steamer "Fox," under Captain McClintock, was equipped, mostly at private expense, and sent to seek further traces of the missing expedition. Many relics and a single brief record were discovered. This last told a mournful tale. The ships had wintered at Beechy Island in 1845-46, had then endeavored to make their way north through Wellington Channel, failing in which they had returned and tried the old passage of Parry, west through Melville Sound, when, again failing, they sought the American coast, expecting to reach Dean and Simpson's Strait, and then along a shore which Franklin had himself once followed in 1825, make their way to Behring Strait and the Pacific Ocean. How near they came to the realization of their hopes will best be appreciated when it is known that they were actually not fifty miles from the strait where Dean and Simpson had sailed to and fro in boats in 1837. Thus had they discovered that a passage did actually exist between the Atlantic and Pacific Oceans; but they were doomed not to pass through it. The winter caught them when beset among the ice, fifteen miles west of King William's Land, and there another dreary Arctic night passed over them. This second night told hard on all the party, and Sir John Franklin was one of the earliest victims; he died on board his ship in the spring of 1847, nearly a year before the most serious troubles of the crews were encountered.

High must have been their hopes as the summer brought its warmth, but sadder their hearts when winter came again and found them still embedded in the same "thick-ribbed ice." Several of the party died during this third winter of their imprisonment; and now, without provisions enough left to carry them on their voyage, even if the coming summer should liberate their vessels, the survivors set out in the early spring of 1848 to drag their boats to Back's River. A few of them reached it, only there to die on an island at its mouth. The rest perished by the way. The late Captain C. F. Hall has since visited this land, and Esquimaux have brought other relics to the whale-ships at Repulse Bay; but this is substantially all we know.

And thus began and ended one of the most remarkable events of modern times,—remarkable for the world-wide sympathy it created, and the persistent effort that was made, long after all hope was gone that any of the party were alive, to resolve the fate of men whom adversity had elevated into heroes and martyrs in the public eye.

We have now traced the progress of Arctic exploration and discovery around the entire circuit of the Arctic Ocean, with the exception of a single break between the 20th and 90th meridian of west longitude, within which lies Greenland and Grinnell Land. The northern coasts of these have not yet been explored. Greenland has been traced on its eastern side to latitude 73° , and on its western to above 82° ; but no one has yet been able to determine where the land and water meet in the seven or eight hundred miles which lie between these extreme points of exploration. Grinnell Land has been followed by the eye to above 83° ; but of the northern and western aspects of this land, the most northern, so far as yet known, upon the globe, we are ignorant. That there is a considerable body of land yet unexplored to the north of Behring Strait there can be no doubt, and there is probably as little doubt that there are yet unexplored islands of the Spitzbergen group to the northeast. But Greenland and Grinnell Land are on the circle we have followed, in the track of a host of expeditions; and we may hope that their shores may ere long be laid down upon the chart, and the circle of discovery made complete.

This can probably only be done by way of Smith Sound, the progress of discovery through which has all been within these past twenty years. Baffin, its discoverer, in 1616, did not attempt to enter it; and Ross, in 1818, did nothing more than fix the names of his two ships to the capes which bound it. The first to pass these capes was Captain Inglefield, in 1852, during his famous summer search for Sir John Franklin. This spirited and fearless navigator, pushing his way in the teeth of a heavy gale, with ice all around him, reached latitude $78^{\circ} 40'$, and saw the shores expanding to right and left, but could not land, and was driven south.

In 1853, Dr. E. K. Kane, acting under the belief that Franklin, failing to find a passage beyond Beechy Island, had returned through Lancaster Sound, and gone up Smith Sound, after passing Cape Alexander, and depositing a boat and depot of stores on the mainland at a place which he named Lifeboat Cove, steered for the west coast, but was headed off by heavy pack-ice. He had only a little brigantine of one hundred and forty-four tons' burden, and, unable to bore the pack, returned to the Greenland coast, which he followed until the ice shut him in at Rensselaer Harbor, in latitude $78^{\circ} 37'$. Here, two winters being passed, and fuel and provisions being both exhausted, the vessel was abandoned; and the party, taking to their boats, after a toilsome journey of eighty days, reached the Danish-Esquimaux colony of Upernavik.

The geographical results of this voyage were important. Instead of expanding into the Polar Basin, as Inglefield thought, a great body of land was found to lie directly across it, a little below the parallel of 80° , which was discovered, and its southern coast-line surveyed, by Dr. Hayes, a member of the expedition. It was thus shown that Smith Sound expanded from its entrance, not into the Polar Sea, but into a middle basin, the axis of which runs nearly northeast and southwest. The Greenland shore of this basin Kane traced in person; then Mr. Bonsall discovered that it terminated to the northeast in an immense glacier, beyond which Mr. Morton afterward discovered and explored, nearly to latitude 81° , the coasts of the "Land of Washington," which, by projecting to the west, again narrowed this channel to the Polar Sea to about

the same dimensions as the Smith Sound entrance. The water beyond the new narrowing of this passage Kane named Kennedy Channel, and the land to the west of it Grinnell Land.

All the explorations of this voyage were made by sledge parties, — the sledges, carrying stores and camp equipments, being drawn by men or dogs, — in the spring or late in the autumn, after the sea was firmly frozen over. It was in this manner that Morton made the journey which was brought to an end by open water making from the northward, thus adding fresh proof in favor of the Russian theory of an open sea about the Pole.

In 1860, Dr. Hayes followed on the track of his former commander, in a schooner of one hundred and thirty-three tons' burden. He was unable, on account of heavy ice, to reach the west coast, and, like Kane, was driven by the pack and a heavy gale upon the Greenland side, and forced into winter harbor September 8, in latitude $78^{\circ} 17'$, — a position which, while it gave greater assurance of release the following year, was not so favorable for sledge-travelling as were Dr. Kane's quarters at Rensselaer Harbor, since Port Foulke (as he named his place of refuge) was some eighty miles to the south and west of Kane's position. Dr. Hayes began early in the spring, when the temperature encountered in the field was often fifty degrees below zero, and on one occasion sixty-nine degrees, to lay out depots of supplies, and, early in April, set out to cross the sound.

The distance from shore to shore, being about ninety miles as the crow flies, should, under favorable circumstances, have been made in a few days with his dog-sledges: but owing to the rough character of the ice, which was often piled up in ridges fifty and sixty feet high, upwards of thirty days were consumed. The boat with which Dr. Hayes expected to traverse the polar sea could not be transported across the sound; and that part of his plan, after seventeen days' trial, was abandoned. The boat was sent back, and Dr. Hayes continued his journey with two dog-sledges and three companions.

The opposite shore being reached, the travellers traced the coast of Grinnell Land to about latitude $82^{\circ} 45'$. Their highest position, determined by astronomical observation taken on land, was latitude $81^{\circ} 37'$. Beyond this they travelled from

fifteen or twenty miles, as estimated, over the ice, until they were interrupted, as Dr. Kane's party had been in 1854, on the opposite side of the channel, by open water making from the northward, which compelled their return. On the homeward journey it was discovered that Grinnell Land was cut off from the Ellesmere Land of Inglefield by a sound apparently running parallel with Jones Sound.

This journey across Smith Sound, in going and coming, occupied sixty days; and the actual distance travelled, in winding through the intricate passages among the hummocked ice, and in repeatedly returning upon the track to bring up portions of the divided cargo, was estimated at over thirteen hundred miles.

The schooner was liberated, July 10, 1861, after a winter passed without sickness, and with no lack of fresh food (reindeer being especially abundant); but the schooner being severely damaged the previous season and totally unfit for further encounters with the ice, it was determined to return home and refit with the expectation of going back the following year with another vessel having steam-power. The late civil war prevented this scheme from being carried into execution.

In October, 1869, Captain C. F. Hall, upon returning from his long residence among the Esquimaux of Hudson Bay, where he had been seeking for further traces of Sir John Franklin's party, conceived the idea of reaching the North Pole through Smith Sound with a steamer; and, familiar as he was with the experience of his predecessors in that quarter, he clearly saw that steam was absolutely necessary.

An expedition being authorized by an Act of Congress, the "Polaris" was fitted for the service in the most elaborate manner by the Navy Department. Nothing was omitted which experience suggested; and probably no vessel ever sailed for the Arctic seas better equipped. She left New York, June 29, 1871, and upon reaching the appointed rendezvous at Godhavn, Disco Island, North Greenland, was joined by the United States steamer "Congress," acting as a supply-ship. Receiving her final supply of coals and other stores, she sailed, August 17, for Upernavik, to procure dogs and an interpreter. Thence she went to Tessuissak, a little hunting-station farther up the

coast, in latitude $73^{\circ} 24'$, for more dogs; and then, August 24, pushed north into Melville Bay, where vessels have usually been embarrassed by the ice, and where Captain McClintock, in the steamer "Fox," was helplessly frozen fast, August 26, 1857.

From Tessuissak, Captain Hall dated his last despatches. After this the details we have of the expedition are meagre. We have only a short despatch to the Secretary of the Navy, found among Captain Hall's private papers, a copy of which was placed in a cairn at latitude $82^{\circ} 3' N.$; the evidence taken before the board of examiners in Washington of what is known as Captain Tyson's party; and the newspaper reports of the statements of Captain Buddington, Dr. Bessels, and others. These are, however, sufficient to enable us to make up a brief general outline of the voyage.

The "Polaris" appears to have passed through Melville Bay without obstruction from the ice, and was off Cape York August 26. The north water, which is usually crossed by a moving pack between Whale and Jones Sounds, appears to have been equally free. Smith Sound was entered soon afterward on the east side, and no serious embarrassment from ice, such as beset the three expeditions which had been there before, was encountered; nothing, indeed, interrupted the fortunate course of the voyage to Cape Frazer, the entering cape on the Grinnell Land side of Kennedy Channel. Here they examined a small bay, which Dr. Hayes had reported as likely to furnish a harbor, but it proved to be too shallow.

Captain Hall then pushing ahead, and leaving behind him the point which Dr. Kane's party had reached on the right, and then Dr. Hayes's farthest on the left, entered another channel, which he named Robeson Strait, in honor of the Secretary of the Navy. It was in this channel that open water had been previously seen, and the conclusion reached, both by Kane and Hayes, that it was an open sea. It proved to be only a somewhat abrupt expansion of Kennedy Channel. On the 30th of August, only six days from the time of leaving Tessuissak, the "Polaris" was in latitude $82^{\circ} 16' N.$, nearer to the North Pole by forty-six miles than any ship had ever been before, according to any well-authenticated record. Here,

after a most extraordinary experience of good fortune, and one wholly unparalleled in Arctic navigation, moving ice was for the first time encountered, and Captain Hall made the land on the east side, and examined the coast for a harbor, without, however, finding one. Upon trying to reach the west coast the "Polaris" became beset in the pack, and was not liberated until the 3d of September, during which time great alarm was felt on board, and provisions were placed on the ice, in order that the party might be ready for the worst. Being liberated, however, without serious damage, the "Polaris" now steamed into a small sheltered cove protected by a stranded iceberg in latitude $81^{\circ} 38'$, longitude $61^{\circ} 44'$ N. This was called "Thank God Harbor," and here they wintered. On the 10th of October, Captain Hall set out on a sledge journey northward, and returned after making about fifty miles. Soon afterward he was taken sick and died, and the command devolved on Captain Buddington. The winter passed after the usual manner of recent Arctic expeditions. Game was abundant. Some journeys were undertaken in the spring and summer, but no greater nothing was made than that accomplished with the vessel the previous summer. The highest latitude attained on land was $82^{\circ} 9'$, the highest point of land ever reached. Early in June the "Polaris" was released from winter harbor, and on the 12th of August they set out for home. The next day she was beset in the pack, and was in great jeopardy for some hours. On the 16th she made fast to a floe in latitude $80^{\circ} 2'$, and helplessly drifted with it south to Littleton Island, on the Greenland side of Smith Sound, and near its mouth, and near where Dr. Hayes had wintered in 1860. Here on the night of October 15, during a violent gale of wind accompanied with snow, the ship was severely nipped by the ice, which was driven under her, forcing her over on her beam ends. Preparations were hastily made for abandoning her. Provisions and clothes were thrown out on the floes; the boats were in like manner secured; and, indeed, everything possible was hurriedly passed overboard. The ice suddenly opening, the vessel righted, and the hawsers were parted by the force of the gale. At this juncture there were nineteen persons on the floe. The two parties never

again met, and the public is already well acquainted with the terrible sufferings and privations of the party on the ice, without other shelter than snow huts, and without fire, and often without food, in their unparalleled drift of fifteen hundred miles before they were picked up by a passing vessel. It appears from newspaper reports that the "Polaris," being in a sinking condition when she righted after the "nip," was run ashore on a beach near Dr. Kane's "Lifeboat Cove." There the shipwrecked crew built a house out of the fragments of the wreck, and, after passing the winter, they constructed boats and went south, hoping to intercept the whale-ships which annually arrive about Cape York in June. In this purpose they were successful.

Thus, after the most extraordinary series of successes, misfortunes, and privations, all were in the end saved, and returned to their homes, except the stout-hearted commander of the expedition.

With respect to the scientific achievements of the voyage, we must await official reports. Enough, however, is known of the geographical results to warrant us in saying that considerable additions have been made to the Arctic coast-lines. From Kane's farthest, the land, with several deep indentations, has been traced northward considerably more than a degree in latitude, and probably nearly a degree has been added on the west side above Cape Union, the last point seen by Dr. Hayes.

Here we leave the subject, at least for the present. Perhaps at some future time we may resume it. We have our own views respecting the probabilities of there being an open sea about the North Pole, and of the comparative merits of each of the passages leading to it; but space does not now admit of their discussion. One thing we may however say,—there should be at least two vessels in any expedition which may be again undertaken into these dangerous seas, with two competent commanders, in order that the loss of one ship or one commander need not involve the loss of everything, as in the unfortunate *Polaris* expedition, the fate of which will, we much fear, postpone, by its discouraging influence, for some time to come, all efforts to accomplish a much needed exploration.

I. I. HAYES.

ART. III. — ANTIQUITY OF THE NORTH AMERICAN INDIANS.

THE discovery by M. Boucher de Perthes, in 1841, of rudely chipped flint implements in the sand and gravel near Abbeville in France, — apparently belonging to the age of drift, — and the subsequent explorations of Dr. Rigollot near Amiens, and of Dr. Falconer, Mr. Prestwick, Mr. Evans, and others, united in ascribing to man an antiquity seemingly far greater than that which had previously been conceded. For fifteen years and more M. Boucher de Perthes was generally regarded as an enthusiast. His conclusions were disputed, and his ideas with reference to the age of the primitive peoples of France were pronounced fanciful and treated almost with derision. Subsequently, however, the antiquity which he claimed for these clumsily worked flint implements was acknowledged by the best-informed archæologists; and while it is impossible accurately to appreciate the lapse of time necessary for the formation of the valleys in whose drift these early traces of constructive skill were embedded [and we know that fifteen hundred years have caused scarcely any change in their configuration], no intelligent observer can contemplate the *situs* of these primitive implements without, in the language of Sir John Lubbock, entertaining an overpowering sense of the change which has taken place, and the time which must have elapsed since the first appearance of man in Western Europe.

As early as 1715 a flint knife — still preserved in the British Museum — was found near Gray's Inn Lane, London, embedded in gravel, and in association with an extinct elephant's tooth. In 1797 flint hatchets of primitive form and manufacture were dug up at Hoxne, in Suffolk, in deposits of undisturbed gravel twelve feet below the surface of the ground, and beneath beds of vegetable earth and clay. Although communicated at the time to the scientific world, these finds failed to attract particular notice, and did not then provoke further investigations. They were wellnigh forgotten. Of late, however, their memory has been revived by recent discoveries which have restored to them that consideration which they may deservedly claim.

At a depth of more than twenty feet below the surface of the valley of the Somme, in Picardy, flint implements were found associated with the bones of the mammoth, other extinct animals, and marine shells. The careful explorations of MM. Lartet and Christy, in the Department of Dordogne, in the southwestern portion of Central France, have brought to light flint knives and implements of various forms fabricated of reindeer's horns, consolidated in a confused mass of breccia which had not been disturbed since its deposition. In France the coexistence of man with the reindeer has been amply demonstrated. The products of his early workmanship in the shape of rude tools and weapons are associated with the teeth of the Irish elk, the mammoth, and the woolly rhinoceros, and with the bones of many extinct animals. These fluviatile gravels and ossiferous caves of Western Europe afford abundant evidence that prehistoric man here "shared the soil of France, Belgium, and the British Isles with the mammoth, rhinoceros, hippopotamus, cave bear, lion, hyena, and various other bovine, equine, and cervine animals now extinct."

If the conclusions of the geologists who have carefully considered the question of the antiquity of man as presented in these relics are to be accepted, the men of the first stone period lived in Western Europe "ages before the commonly received human era of six thousand years."

In various parts of Denmark exist extensive peat-bogs, varying in depth from ten to thirty feet. In the superficial layers of these peat deposits the remains of huge beech-trees are discovered. Lower down we encounter the trunks of mighty oaks, and lower still are seen forests of prostrate pines three feet in diameter. In the days of Julius Cæsar the Danish islands "were found clothed with magnificent beech forests." The pine and the oak had then entirely disappeared. Associated with the remains of the extinct and buried pine forests we find only rudely chipped stone implements. Bronze implements appear in the oak age, while among the more recent beech deposits implements of iron are seen for the first time. If we are puzzled to ascertain the antiquity of these later iron implements of quaint pattern and obsolete use, if we know not the time when these magnificent beech-trees — youngest born

and yet hoary with the lapse of centuries — yielded to the influences of physical change and laid themselves down in the depths of these silent bogs, what shall we answer when questioned as to the ages of the submerged oaks, and the older pine far beneath? The ages of the pine, the oak, and the beech, says Dr. McCausland, correspond to and synchronize substantially with the ages of stone, bronze, and iron, so named from the materials which served for the fabrication of the implements used by the peoples who lived in those respective eras. In the presence of such proof of the changes which have occurred in the manufactures of these primitive peoples, how forcibly are we reminded of the lines of Lucretius: —

“Arma antiqua manus, ungues, dentesque fuerunt,
Et lapides, et item silvarum fragmina rami,
Et flammæ, atque ignes, postquam sunt cognita primum.
Posterior ferri vis est ærisque reperta,
Sed prius æris erat quam ferri cognitus usus.”

The Danish geologist, Steinstrup, estimates the minimum of time required for the formation of the peat which has grown over the pines of Denmark at four thousand years, and Sir Charles Lyell remarks there is nothing in the observed rate of the growth of peat opposed to the conclusion that the number of years may not have been four times as great.

The *kjökkenmödding*, or “kitchen middens,” offer no mean token of the antiquity of the aboriginal hunters and fishermen who during the lapsed centuries frequented the shores of the Baltic.

In his effort to determine the age of the lake dwellings of Switzerland, Dr. Oswald Heer says we may state with perfect certainty that they are more than two thousand years old, and with a considerable degree of confidence that they reach back from one thousand to two thousand years before Christ. While refraining from expressing a positive opinion, Dr. Keller and Professor Rüttimeyer unite in ascribing to these *habitations lacustres* a remote antiquity.

Passing from these general observations touching the age of primitive man in Europe, we turn to some of the proofs substantiating the antiquity of the red race within the limits of the United States. It will be remembered that here we have

neither the bronze nor the iron age. The stone age appears in rich and varied development, without, however, the distinctive peculiarities warranting a division into the palæolithic and neolithic epochs insisted upon by European archæologists.

In North America rudely chipped and ground or polished implements are found in juxtaposition and under circumstances which claim for them equal antiquity. Of bronze implements we have no examples; and copper — used to a limited extent — was treated as a malleable stone in the manufacture of ornaments, ceremonial axes, spindles, pipes, etc.

Archæology in this New World is as yet in its infancy. The investigations hitherto conducted have generally been wanting in that scientific accuracy and careful research necessary to the procurement of satisfactory results. They have been undertaken at random and at the personal charge of the curious, and not in compliance with the enlarged plans and intelligent suggestions of scientific associations. As a natural consequence the present stage of the inquiry is unsatisfactory.

After reviewing the proofs of the antiquity of man in America, so far as they have come to his knowledge, Sir John Lubbock closes with the remark, "There does not as yet appear to be any conclusive proof that man coexisted in America with the mammoth and mastodon."

In the Bombeuse River bottom, in Gasconade County, Missouri, some thirty years or more ago, Dr. Albert C. Koch discovered the remains of a *Mastodon giganteus* under peculiar circumstances. This huge animal had evidently been found by the Indians mired in the mud, and in this helpless condition had been stoned to death by them. Most of the bones were charred by fire. The fore and hind legs, however, with the toes attached to the feet, were in a perpendicular position and untouched by fire, "showing that the ground in which the animal had sunk — now a grayish-colored clay — was in a plastic condition when the occurrence took place." Mingled with the adjacent layer of ashes and bones, and partly protruding out of it, were broken pieces of rock which had evidently been brought from the bank of the Bombeuse River and hurled at the animal by its destroyers. In addition Dr. Koch found

in this layer several stone arrow-heads, a spear-head, and some stone axes.

About a year subsequent to this discovery Dr. Koch dug up in the alluvial bottom of the Pomme de Terre River, some ten miles above its confluence with the Osage, almost an entire skeleton of the *Missourium*. Intermingled with the bones were several stone arrow-heads. Two of these arrow-heads "were in such a position as to furnish evidence still more conclusive, perhaps, than in the other case, of their being of equal if not older date than the bones themselves; for, besides that they were found in a layer of vegetable mould which was covered by twenty feet in thickness of alternate layers of sand, clay, and gravel, one of the arrow-heads lay underneath the thigh-bone of the skeleton, the bone actually resting in contact upon it, so that it could not have been brought thither after the deposit of the bones; a fact which I was careful thoroughly to investigate." In his recent article upon "North American Stone Implements," which will appear in the Report of the Smithsonian Institution for 1872, Professor Rau furnishes a full-size drawing of this arrow-point, which is still preserved in St. Louis by Mrs. Elizabeth Koch, the widow of the discoverer. The point, one of the barbs, and a corner of the stem, are broken off, showing that this implement had been used. In general appearance, material, and mode of construction, it does not differ from the weapons of a similar class seen in such numbers in the hands of the Indians within historic times.

While it must be admitted that the accuracy and even the reality of these discoveries of Dr. Koch have been questioned, we see no good reason for disbelieving his observations with reference to the coexistence of man with the extinct mastodon.

In 1838 and 1839 the Brunswick Canal was opened in Southern Georgia to connect the waters of the Altamaha and Turtle Rivers. For a portion of the way it follows a narrow inland swamp known as the Six-Mile Swamp. Fossil bones of the megatherium — the petrifications being of recent origin — were discovered during the excavation of this canal, at the southern end of this swamp, at six different points. In each instance they

were found at the bottom of the alluvial formation, between four and six feet below the surface, embedded in clay, and resting on yellow sand. At similar depth, and in the same locality, were found flint and jasper spear and arrow points, which impressed the mind of the observer with the belief that the peoples who manufactured them were contemporaries of the extinct animals whose bones were turned up almost in juxtaposition.

Both Mr. Peale and Mr. Jefferson allude to a tradition, current among many of the North American Indians, that the mammoth, or great buffalo, roamed the forests within the memory of their forefathers. One of these traditions runs as follows: "In ancient times a herd of these animals came to the Big-Bone Lick and began a universal destruction of the bears, buffaloes, deer, and all the animals created for the use of the Indians: this so displeased the Great Spirit that he descended upon a neighboring mountain where there is still to be seen the print of his seat and of one foot, and, hurling his bolts among them, killed them all but the great bull, who, presenting his forehead to the shafts, shook them off as they fell: at length, missing one, it wounded him in the side, and he leaped over the Wabash, the Illinois, and the great lakes, where he still lives."

It appears probable that the duration of pachyderms in this New World was prolonged to a period subsequent to that which marked their extinction in Europe. In Worthen's "Geological Survey of Wisconsin" we are informed that the blue clays at the base of the drift, while containing trunks of trees, disclose no fossil remains of animals. The brown clays above, however, underlying the loess, include remains of the mammoth, the mastodon, and the bones of the peccary. In a bed of local drift near Alton, underlying the loess *in situ* above, appeared mastodon bones. In the same horizon occurred stone axes and flint spear-heads, indicating the coexistence of the human race with the extinct mammalia of the quaternary period. When the buried treasures of our valleys, river-bottoms, and swamps shall have been intelligently examined, we confidently anticipate new proofs confirming the hypothesis that the red race in America was contemporary with the

mammoth, — a suggestion which, even at the present stage of the inquiry, appears more than probable.

In a calcareous conglomerate, formerly a part of the Florida Reefs, Count Pourtalés found fossil human remains consisting of jaws, teeth, and some bones of the foot. In accordance with Professor Agassiz's mode of estimating the growth of these reefs, these remains were pronounced about ten thousand years old. It is proper to remark, however, that this distinguished naturalist did not see them *in situ*.

The table-land in the vicinity of Vicksburg consists of a yellow loam "overlying a deposit of stratified sand and gravel containing large fragments of silicified corals and the wreck of older palæozoic rocks." This drift, which in some localities is one hundred and forty feet thick, has been referred by at least one geologist of note to the glacial period. In consequence of the destructible nature of this yellow loam, and the removal of the forests having exposed the surface to the disintegrating influences of the changing seasons, the streams, in permeating this alluvial platform, readily cut for themselves deep gullies or beds. Since the earthquake of 1811-12 this erosion has progressed with accelerated speed. By that convulsion the entire region around Natchez was rudely shaken and much fissured. One of the narrow valleys due to this fissuring is called the Mammoth Ravine. From a clayey deposit lying immediately below the yellow loam, bones of the *Mastodon Ohioticus* and of other extinct and living animals, becoming detached, had fallen to the base of the cliffs. Intermingled with these was found a human pelvic bone, — *os innominatum*. It appeared, says Sir Charles Lyell, to be quite in the same state of preservation, and was of the same black color as the other fossils, and was believed to have come, like them, from a depth about thirty feet below the surface. It was at first supposed, by Dr. Dickeson and others, that this human bone was contemporaneous with the fossils. Upon careful consideration, however, it seems likely that this association of the *os innominatum* with the remains of the mastodon and other extinct animals was accidental, and that while they were all discovered in the same talus at the bottom of the ravine the latter may have been dislodged from a lower position, while the for-

mer, in consequence of the caving of the banks, had been brought down from the vegetable soil at the top of the cliff, wherein are many old Indian graves containing bones darkly discolored by having lain for centuries in the superficial peaty soil. We doubt whether from the facts of this find may be properly deduced the inference that the Natchez man coexisted with the mastodon. The preponderance of the evidence suggests a contrary conclusion.

Opposite the city of Shreveport, in the bend of the Red River, at a depth of more than twenty feet below the level of the valley, were unearthed, a few years ago, numerous human skeletons, fragments of pottery, stone axes, and other *relics* of prehistoric man. From the same locality, and upon the same level, were taken several teeth and bones of the mastodon. Upon the surface of the valley rest tumuli of august proportions, erected by the ancestors of the Caddos in honor of their dead. The pottery found deposited with the dead in this ancient place of sepulture was more archaic in type than that manufactured by the Indians native in this region when it was first visited by Europeans. The skeletons were disposed in a horizontal position, with the heads lying to the north. Considerable regularity was observed in these inhumations both as regards the location of the bodies and the intervals preserved between them. Such of the skulls as would bear examination were all flattened both in front and behind. They were artificially distorted to an unusual extent. These skeletons gave evidence of great age, and had not been disturbed since the period of their inhumation. So far as our information extends, the older Caddos did not bury their dead in graves. That these ancient grave-makers antedated them in the occupancy of this portion of the valley appears entirely probable. That the level of the valley when these graves were dug was far lower than it is at present admits of no question. It is equally certain that for centuries the surface of the valley has undergone but little change, because upon it are located grave-mounds and elevations for chieftain lodges which have been resting there hundreds of years.

More than twenty years ago, in the modern delta of the Mississippi, while making a large excavation for gas-works

near New Orleans, the workmen, at a depth of sixteen feet, and beneath four buried forests superimposed one upon the other, came upon some charcoal and a human skeleton,—the cranium of which belonged to the aboriginal type of the Red Indian race. Satisfied with the accuracy of his own calculations, Dr. Dowler ascribes to this skeleton an antiquity of fifty thousand years. Without inquiring whether a human skeleton in that damp, alluvial soil could preserve its physical entity for even the tenth part of this long period, the data for computing with any degree of accuracy the time requisite, in the ordinary course of events, for the Mississippi to deposit so many feet of alluvium, are so incomplete and uncertain that any effort to ascertain the precise age of these bones can result in little more than the wildest conjecture. To the existing delta of the Mississippi, with its variable depths, Sir Charles Lyell assigns an antiquity of more than one hundred thousand years.

In Nacoochee Valley, in the upper part of the State of Georgia, rudely chipped and triangularly shaped flint implements were found under circumstances very similar to those which surrounded the drift-tools from the ancient alluvium at Abbeville, described by M. Boucher de Perthes. Colonel Jones, in his recent work entitled the “Antiquities of the Southern Indians,” has figured one of them. It lay nine feet below the surface of the valley, in the gravel and bowlders of the drift, and just above the rocky substratum upon which the deposit rested. “Prominent earth-mounds,” says one author, “stone-graves, and frequent relics, attest the fact that this valley was for a long period thickly populated by the red race. These indications of a former occupancy are chiefly confined, however, to the surface or its vicinity. When the white men possessed themselves of this beautiful region, these mounds were covered with trees to all appearances as vigorous and as old as those which composed the adjacent forests. . . . That Nacoochee Valley has undergone no material changes for centuries is demonstrated by the presence of these large earth-mounds and the big forest trees which grew upon them after they were neglected or abandoned by those who erected them. . . . That the implements in question were brought down with

and deposited in the drift when as yet there was little or no vegetable life in the valley seems highly probable. How many centuries have looked down upon the gradual accumulation of the soil which now overlies the drift, none can answer; but of one thing we may rest satisfied, that these specimens of the rude labor of prehistoric man may well claim high antiquity. They are as emphatically drift implements as any which have appeared in the diluvial matrix of France. Thus, in Nacoochee, while the neolithic age is richly represented, the palæolithic period is not entirely wanting in its characteristic types." p. 295.

The occurrence of implements in the river-drift at Trenton, New Jersey, has been suggested. It is surprising that so few relics of this class have been noted. Doubtless numbers of them will be brought to light when suitable explorations are conducted by competent parties.

Among the most striking proofs of early and long-continued occupancy by the red race may be cited the numerous and extensive refuse piles, abounding not only along the coast, but also upon the banks of various fresh-water streams permeating the interior. Some of these are hundreds of yards in extent and many feet in depth, and indicate the localities where the natives congregated, at certain seasons of the year, to fish and hunt, and subsist upon oysters, clams, conchs, and unios. They are composed of discarded shells and the *débris* of the encampment, intermingled with which may be observed, in great quantities, the bones of birds, tortoises, alligators, and animals, fragments of pottery, implements of bone, shell, and stone, ornaments, and net-sinkers. The accumulations of centuries, and often covered by a growth of forest-trees, many of them convey at first sight an impression of great age. The antiquity of these artificial shell-heaps is further corroborated by the presence in them of the bones of extinct birds and animals. Often are these refuse piles so old that in endeavoring to ascertain their age we are irresistibly led back to a very remote, although undetermined past. Like the Danish *kjökkenmødding* they are very old, and scarce allow us to state that there was any epoch when the sea, the bays, the lakes, and the rivers did not pay tribute to the appetites of those primitive peoples.

Pretermittin the evidence of antiquity as furnished by open-air workshops, the sites of ancient villages, and the traces of extensive mining, in certain localities, for copper, catlinite, and other substances, we note some of the arguments which are suggested by tumuli, in themselves the most remarkable illustrations of early constructive skill. It may be confidently asserted that shortly after the advent of the European the Indians discontinued the practice of mound-building. By the incursions of the Spaniards and the French was this primitive population severely shocked, and from that time may be dated the decadence of earth-structures of any note. That prior to this period many of the Indian tribes, and especially the Southern nations, were mound-builders, admits of but little doubt. On this point satisfactory evidence might easily be adduced. Associated in considerable numbers, and under despotic forms of government, in which the will of the Mico was virtually the supreme law, worshipping the sun, acknowledging the potent influence of high-priests retaining permanent seats, extensively engaged in agricultural pursuits and accustomed to general labors for the common good, and in obedience to the command of the single ruler, the aboriginal dwellers in the rich valleys of the South and West were constantly employed in the erection of temples for sun-worship, in preparing huge elevations for chieftain lodges, in building public granaries and fish-preserves, in constructing chunky-yards and defensive works, in throwing up mounds of observation, in dignifying by imposing tumuli the last resting-places of their distinguished kings and priests, and in heaping above the accumulated dead of family and tribe the conical mound-tomb. Perhaps it would not be an exaggeration to say that four centuries ago nearly all the nations of the Mississippi Valley and its tributaries, and those occupying the southeastern portion of the North American continent, were to a greater or less extent addicted to mound-building. The old idea that the mound-builders were peoples distinct from and other than the Indians of the fifteenth and sixteenth centuries and their progenitors, appears unfounded in fact, and fanciful. No necessity exists for the suggestion. In the light of the Spanish and French narratives, no monument has yet been discovered of

whose construction they were incapable, no relic, however delicate and admirable, which they could not have fashioned. At the early stage of the inquiry, as disclosed in the investigations of Dr. Atwater, the idea was pardonable, but it should not now be entertained by those making any pretensions to a tolerable knowledge of the antiquities of this country. The extensive interchange of commodities and manufactures through the intervention of primitive merchantmen placed in the possession of those residing in the interior the choicest treasures of the sea-coast, and furnished in return the most beautiful stone and copper implements and ornaments to such as looked not upon the mountains. So also were descriptions of foreign beasts and birds conveyed which found physical reproduction in those curious pipes which, under the distinctive name of *mound-pipes*, have been erroneously referred to the handiwork of a peculiar people, singular in their art, mysterious in their origin, and *sui generis* in their day and generation.

It must be admitted that within the historic period some grave-mounds and earth-structures have been erected, but they are comparatively few in number, and, as a class, diminutive in size.

Regarding these tumuli as a whole, in many localities it would really seem as if the practice of mound-building was wellnigh contemporaneous with the hills casting their shadows upon them, with the valleys upon whose soft bosoms they rest, and consecutively maintained down to the period when the red men were expelled from the territories which they claimed and enjoyed for centuries. The outlines of many are sharply defined, suggesting that they were constructed within a comparatively recent time, while multitudes have returned to the mother earth from which they sprang, showing only the slightest elevations, mere discolorations upon the surface of the ground, scraps of charcoal and occasional fragments of stone, shell, or pottery, to remind us of their former existence.

It will be remarked that earth-mounds are at once the simplest and the most enduring of human monuments. They survive when marble crumbles and brass corrodes. The proudest architectural monuments of Pericles are in ruins, while those rude earth-mounds which, near the Gygean Lake,

have for twenty-five hundred years perpetuated the memory of the Lydian king, remain substantially unchanged.

Compared with each other, these Indian tumuli vary very materially in their respective ages, and betoken the fact that the erection of mounds constituted an established labor among these primitive peoples for many centuries. The location of many of them upon terraces marking the subsidence of streams, the physical changes which have occurred subsequent to their construction, — such as the shifting of channels, the alteration of the surface of the ground, the heavy accumulation of vegetable mould upon their sides and summits and in the bottom of dependent moats, — and similar circumstances, furnish proof of general antiquity without affording specific data for the accurate admeasurement of the lapsed years.

It has been urged that another argument for the antiquity of the larger mounds and truncated pyramids may be drawn from the fact that the modern Indians, when questioned with regard to their origin and age, usually professed to have not even a tradition of the peoples by whom or of the time when they were built.

This suggestion may be entertained to a certain extent, but too much reliance should not be placed upon it, because these red men were generally reticent with regard to their own history, and jealous of the memories of their ancestors. The best-informed of them often denied all knowledge of matters the nebulous history and traditions of which they did not desire to disclose to inquisitive and hostile strangers.

It must be admitted, however, by all who have examined these ancient mounds, that very many of them afford positive assurance that they have, in the course of time, been possessed and used by peoples of perhaps a common origin, but strangers to each other. Thus, nothing is more common, upon opening these prominent grave-mounds, than to find, a few feet below the surface, upon their summits and along their slopes, the graves of modern Indians, some of them containing Venetian beads, hawk-bells, and other articles of European manufacture, while the older dead, in whose honor the tumuli were erected, lie far below, and generally on a level with the surrounding plain. An interesting illustration is furnished by the author

of the "Antiquity of the Southern Indians," while describing a tumulus on the Ocmulgee River, opposite the city of Macon, Georgia. The skulls of the modern Creeks buried upon the side of the mound were regular, while those of the skeletons inhumed at the period of the erection of the mound were vastly older and artificially compressed. Among these unlettered nations one wave of human life swept over another, the recollections of each being lost, save such as were "lodged in the womb of mounds or preserved in the generous bosom of mother earth." p. 159.

The number of skeletons found in the grave-mounds, and the manner of their inhumation, may well be considered in the effort to ascertain their ages. Among not a few of the Southern tribes the custom obtained of reserving the dead until they had accumulated sufficiently to warrant a general inhumation. After the flesh had been removed, the bones were placed in bark or cane coffins, and were stored away in a bone-house adjacent to the village until such time as the population saw fit to undertake the task of heaping above them the mound tomb. It will be remembered that Indian villages were usually small, — the isolation of family and tribe being preserved even when there existed governmental consolidation under a general confederacy. When, therefore, we encounter a grave-mound like that on the low ground of the Rivanna, about two miles above its principal fork, described by Mr. Jefferson, containing not less than a thousand skeletons, and these deposited in strata separated by intervening spaces of earth, those nearest the surface being least decayed, while those lowest down were very old and fragmentary, — or that immense shell-mound on Stalling's Island, in the Savannah River, nearly three hundred feet in length and one hundred and twenty in breadth, formed of the mussel, clam, and snail shells of that fresh-water stream, the shells being in layers eight or ten inches in thickness, with intervening strata of sand and human bones, — we are convinced that it could not have been the work of a year or of a generation, but that it was the accumulation of successive and long-continued inhumations. The length of time required for heaping up such huge piles of earth as tower above the Mississippi Valley, along

the Etowah, Paint Creek, and at many other points, could not have been inconsiderable under the most favorable circumstances. When we reflect that the transfer of the earth was accomplished by means of baskets and earthenware pots, the mound-building process seems all the more tedious and protracted.

The skeletons themselves often indicate great age. Well-preserved skeletons have been taken from barrows possessing a known antiquity of eighteen hundred years and upwards. Very seldom from the older mounds do we obtain crania capable of being handled. In them, as a general rule, the human bones are sadly decayed and entirely fragmentary. Sometimes we encounter grave-mounds so old that the skeleton has utterly passed away, leaving an occasional tooth, a discoloration in the ground, a little clay pot of archaic type, or a grooved axe, to attest the fact of the ancient sepulture.

Another argument in favor of the antiquity of many of these ancient tumuli is based upon the fact that when they were first observed by the European they were covered by forest trees as luxuriant as any constituting the adjacent woods. The physical characteristics were the same, and one could not say that the original growth had at any time been interrupted. Dr. Hildreth examined the trunk of a tree which grew upon the top of a mound near Marietta, Ohio, and found that it contained eight hundred rings of annual growth. Upon the summit of a southern tumulus the writer saw a live-oak nearly ten feet in diameter. The age of this tree was not definitely ascertained, but it was certainly several hundred years old. It has been truthfully remarked that several generations of trees must have lived and died before the mounds could have been overspread with that variety of species which they supported when the white man first beheld them, for the number and kind of trees were precisely the same as those which distinguished the surrounding forest.

"We may be sure," observed General Harrison, who was well skilled in woodcraft, "that no trees were allowed to grow so long as the earthworks were in use; and when they were forsaken the ground, like all newly cleared land in Ohio, would for a time be monopolized by one or two species of trees. . . .

When the individuals which were the first to get possession of the ground had died out, one after the other, they would, in many cases, instead of being replaced by the same species, be succeeded (by virtue of the law which makes a rotation of crops profitable in agriculture) by other kinds; till at last, after a great number of centuries (several thousand years, perhaps), that remarkable diversity of species characteristic of North America, and far exceeding what is seen in European forests, would be established."

In estimating the antiquity of one of these tumuli by the character and age of the forest growth overshadowing it, we must not therefore regard the age of the trees as indicating the date of the abandonment of the mound. Many years, and possibly centuries, must necessarily elapse while nature, by a process of succession, is restoring to the summit and slopes of a deserted artificial heap of earth that arboreous variety which distinguishes the surrounding woods. Back of this lies the period during which this earthwork, be it temple for sun-worship, mound of observation or retreat, elevation for chieftain lodge, or grave-mound, was used, occupied, and cared for by those who constructed it. We are persuaded by physical signs other than these, that the Indian occupancy continued for many, many centuries. Lastly we should add the months and years consumed in its erection.

While it is true that when we overstep historic periods and endeavor to measure the flight of unrecorded years by calculations like these we deal largely in conjecture and are liable to consequent errors, nevertheless, by a computation such as that which we have suggested we arrive at a conclusion which certifies to us, with at least a reasonable degree of probability, that many of these older tumuli—products of the combined labor of ancient peoples who filled whole valleys with monuments of their fears, superstitions, and reverence for the departed, and objects of wonder to the pioneers as penetrating these primeval woods they viewed for the first time these works, silent, deserted of their makers, and clad in forest robes as varied and as magnificent as those which adorned the surrounding hills and valleys—have stood for a thousand years and more, and if unharmed by this superior civilization

will maintain their physical integrity through centuries yet unborn.

Some have supposed that the presence of the sign of the cross and the appearance in ancient grave-mounds of the number three in various symbolic representations militate against the antiquity of such structures and limit the date of their construction to a period subsequent to primal contact between the European and the red races. Even a cursory examination of the myths of the New World will convince us that such an idea is erroneous. The earliest Catholic missionaries met the symbol of the cross as an existing object of regard and of at least qualified adoration among the Indians. The Aztec goddess of rain bore a cross in her hand. "It was the central object in the great temple of Cozumel, and is still preserved on the bas-reliefs of the ruined city of Palenque." Among the Lenape the sign of the cross was used during incantations for rain; and at the festival of the Busk the Creeks built their new fire in the centre of four logs placed end to end, the outer ends pointing to the four cardinal points.

In like manner does the symbol three pervade the mythology of the New World.

The existence in ancient graves and upon the sites of old villages and fishing-resorts of ornaments manufactured from marine shells brought from the sea-coast hundreds of miles away, the distribution of copper and stone implements through regions far distant from the localities whence the materials of which they are made were obtained, the presence of pipes and other articles fashioned in imitation of beast, bird, and reptile unknown in the places where these relics have been found, and the evident antiquity of the relics themselves, all attest not only the extensive commercial relations existing among these primitive peoples, but also the inauguration, at a very early period, of this system of interchange of values.

Reference might be made to the many and extensive clearings observed by the followers of De Soto in the Southern valleys. Some of them were leagues in extent and were planted in corn. In their vicinity were seen considerable towns, defended by stockades and occupied by a population well ordered of its kind, obedient to the will of the ruler, and

manifesting strong attachment for these homes. Laboriously constructed fish-preserves, grave-mounds, truncated pyramids, playgrounds, defensive works, treasure-houses, public granaries, and well-worn pathways united in bearing testimony to the long-continued occupancy of this region by the Indians.

Without letters, ignorant of the use of iron, and destitute of those appliances which are requisite for the erection of enduring monuments other than earthworks, we have, perhaps, in those ancient tumuli, in the manufactures, and in the traces of former occupancy still extant, as forcible an expression of the antiquity of these primitive red peoples as the nature of the case and the degree of their semi-civilization will warrant.

While we cannot, at present, ascertain, and perhaps never will be able to determine, the antiquity of the North American Indians, we think it may now be affirmed with considerable confidence:—

1. That the primitive peoples of the Mississippi Valley and of the southeastern portions of the North American continent were domiciled here when the mammoth, the mastodon, and other extinct animals roamed the primeval forests.

2. That many of the grave-mounds and earthworks of the red race are fully a thousand years old, while others may well claim an antiquity far greater than this.

3. And, lastly, that the Indian occupancy in various portions of this continent was very ancient, probably dating as far back as the earliest traces of man in Western Europe.

CHARLES C. JONES, JR.

ART. IV. — THE CURRENCY AND FINANCES OF THE UNITED STATES.

NEARLY one hundred years have elapsed since the government of the United States was formed, yet no progress whatever seems to have been made in the settlement of some of the most important questions that can concern the welfare of our people. We may be said to be still in doubt as to the form of government under which we are living, whether one of paramount powers, or a partnership from which any member may withdraw at will. Mr. Jefferson's doctrine, stated so late as 1824, and thirty-five years after the adoption of the Constitution, that "the Federal and State governments are co-ordinate departments of one simple and integral whole; that to the State governments are reserved all legislation and administration in affairs that concern their own citizens only, to the Federal government whatever concerns foreigners or citizens of other States; that one is the domestic, the other the foreign, branch of the same government, neither having control over the other save within its own departments,"*—has for political purposes been the authoritative interpretation of the Constitution, and the creed of the party that held almost uninterrupted control of the Federal government from his election in 1800 to the election of Mr. Lincoln in 1860. Upon this vital question time only served to array the country into two hostile camps. After a tremendous conflict the arms of the party which held that we were a *nation*, not a loose confederacy, triumphed, leaving, it is to be feared, the opinions of the vanquished mainly unchanged. Much has undoubtedly been gained from the precedents growing out of the war asserting the paramount powers of the Federal government. Parties are no longer necessarily defined by political boundaries. The great disturbing element, slavery, has been removed. Northern Virginia may now assimilate to Southern Pennsylvania, and this process may go on till we finally become a homogeneous people.

* See Mr. Jefferson's letter to Major Cartwright, Jefferson's Works, Sparks's edition, Vol. VII. p. 355.

One of the most important questions involved, and still unsettled, as to the functions of our government, is that relating to the management of its finances, including the provision of a currency. The State-rights party (we can find no better name) insisted from the outset, that, as the government was not one of paramount powers, it was not competent to charter a bank or a highway, on the ground that if such acts were allowable on account of the alleged usefulness of the measures then any other act, no matter what, might be justified for a similar reason; and that, in this way, government would be invested with plenary powers, — these powers to be measured only by the will or the caprice of the majority for the time being.

When the bill for chartering the first United States Bank reached the President, General Washington, for his signature, he requested the opinions of his Cabinet; and Mr. Jefferson, Secretary of State, and Mr. Randolph, Attorney-General, submitted elaborate arguments against the measure; and Mr. Hamilton, Secretary of the Treasury, the author of the bill, and Mr. Knox, Secretary of War, in favor of it. Every one is familiar with the arguments used. They have become threadbare from constant repetition. It was unconstitutional and pernicious, or constitutional and beneficent, according to the bias of the party discussing it. As a rule, the Northern States favored, while the Southern States opposed it. It is easy to see why this should have been the case. To the North, free and intelligent, every measure seemed constitutional that promised to promote its interests. In the South, society was founded on, and maintained by, force. Labor was blindfolded, that it might continue to be enslaved. To its people the protection and promotion of commercial and manufacturing interests meant protection and promotion for the North alone, as they could not share in the benefits without a total revolution in their social system. The pall, therefore, that rested upon them they insisted should rest upon the whole country, as the only means by which they could hope to hold the North in check, and maintain, in some sort, an equilibrium between slavery and freedom.

The result of the Cabinet discussion was the approval by

General Washington of the bill. The bank went immediately into operation, and exerted a most salutary influence, not only as the fiscal agent of the government, and in furnishing a currency of uniform value in every portion of the country, but in rescuing its finances from the chaotic condition in which they were left by the war of the Revolution by compelling the State banks to bring their notes up to the standard of the national one.

The charter of the bank expired in 1811. Its renewal was refused on the grounds previously urged by Mr. Jefferson. But the financial disorders, at one of the most critical periods of our history, were so frightful, and the government itself so utterly helpless, that the State-rights party was forced to eat its own words, and chartered, in 1816, a new bank upon the model of the old, but not till almost infinite mischief had been suffered. The results that followed the chartering of the new bank were similar to those that followed the old. The State banks, which had suspended during the war, were forced to resume or to go into liquidation; and the finances, both of the country and the government, were gradually restored.

In 1836 the charter of the second bank expired. Its renewal was refused upon the old pretext. Although the two banks had been in operation forty years, — a period only seven years less than that which had measured the duration of the government, — and although their constitutionality had been asserted by numberless acts of Congress, and by repeated decisions of the final arbiter provided by the Constitution to pass upon the validity of the laws made under its authority, yet all these things went for nothing when they stood in the way of adroit and unscrupulous political partisans. It happened at this time that one of the greatest masters of political chicanery and finesse that ever lived in this or any other country was at the head of the government. By dexterous appeals to the passions and prejudices of the farming and laboring classes, he arrayed them against those who represented the commercial and manufacturing interests of the country, and taught them to believe that the bank was nothing short of a monster, which, unless speedily and utterly destroyed, would reduce them to the condition of serfs and slaves.

Never in the history of this country was there a more disgraceful period than that which preceded and followed the expiration of the second bank charter; never one in which there was greater political demoralization; never one in which there was more widespread financial disaster: all directly chargeable to an unwarrantable and high-handed tampering with the currency.

One of the means used to break down the United States Bank was the removal from it of the government deposits, and their transfer to the State banks. There was no suggestion that a currency different in kind was needed, only that such currency should be supplied by State institutions. The power to charter banks, it was asserted, was one of the rights reserved to the States. They alone could supply a constitutional paper currency. No monopoly was to be feared from a combination of institutions deriving their existence from so many different sources. This authoritative recognition of their value and usefulness, and the patronage secured to them as depositories, in place of the United States Bank, of the revenues of the government, stimulated their formation to an extraordinary degree. A great many were chartered for the purpose of filling the vacuum to be created by the expected winding up of the national bank. The number of State banks in operation in 1830 was 282; in 1837, 632. Their capital increased in the same period from \$145,000,000 to \$290,000,000; their circulation from \$61,000,000 to \$149,000,000; their loans and discounts from \$200,000,000 to \$485,000,000; and their deposits from \$55,000,000, to \$127,000,000. With all this vast and unprecedented increase of banking facilities there was, during that same period, no considerable increase of the capital of the country, and no need whatever of the addition of a dollar to the currency. The greater part of the increased capital of the banks was wholly fictitious.

Hardly had General Jackson turned his back upon the Presidency, and hardly had the self-complacent words of congratulation, at the happy close of his administration, fallen from his lips, when the bubble which he had blown with so much labor and to such vast dimensions burst, scattering ruin and desolation on every hand. Almost every business man

and business institution went by the board. With the vast increase of currency, which was furnished for two or three years without stint, by the new institutions, a delirium of extravagance and speculation set in such as had never been witnessed since the South Sea Bubble. Many of our most important industries were in a great measure abandoned. In 1837 and 1838 we were compelled to import large quantities of food from Europe. But little was left to pay with or buy with. The recovery of the country to anything like a healthy condition was the work of years, as it was measured by the slow process of re-creation by the reconstructed industries of the country. All this inflation, with all the demoralizing and disastrous consequences, were the direct and inevitable results of General Jackson's famous "experiment," as he termed it, with the currency.

It is my purpose to refer but briefly to the melancholy period which, beginning in 1834, continued for nearly ten years. The banks suspended in 1837. They resumed payment in 1838. In 1839, the banks of Philadelphia and those south and west of that city again suspended. Those of several of the States were wholly wound up. Collections from the interior were impossible. In many of the States, such, for example, as Mississippi, literally nothing was paid on the debts for merchandise purchased at the North. A sponge was passed over the credits of the country. The result, however, was only the necessary consequence of a tampering for partisan purposes with the currency and with the laws of trade, with a levity which excites astonishment even at this day of innovation and change.

The failure of the banks left the government without a penny at command. Congress was convened with all possible despatch, and an issue of treasury notes was authorized to serve for expenses till the deposits could be collected from the suspended banks.

As a national bank was held to be unconstitutional, and as the State banks had all failed, nothing seemed to be left for the government but to take care of itself, — to divorce all its operations from those of the trade and commerce of the country, and to collect into, and disburse from, its own strong-box

its revenues in coin. The Independent Treasury, as it was termed, was created, and has continued in operation to the present time. So long as the revenues of government, averaging only about forty millions annually, were on an insignificant scale compared with their present colossal magnitude, as no considerable sums had to be held for the payment of the principal or interest of a national debt, and as the revenues were paid out nearly as fast as they were collected, this mode of holding and disbursing the revenues exerted no particular influence in any direction, and, perhaps, was not an objectionable measure at the time it was adopted, and so long as the operations of the government continued on a very limited scale.

The election of Mr. Lincoln to the Presidency in 1860 was an era in the history of the country. The Southern States instantly availed themselves of Mr. Jefferson's doctrine. The alacrity with which they went, and the complete unanimity which they displayed in all their plans and purposes, show how radical had become the difference between the two sections of the country. Not a spark of national feeling remained in the whole South, — not a single sentiment of loyalty to the government to which it owed so much and around which so many glorious memories clustered. All, all, together with the better sentiments common to humanity, had been thoroughly tainted by the curse of slavery. To the North but one duty remained, — to put down the Rebellion, at all cost, and vindicate its manhood, its nationality, and the principles of freedom upon which it was based, and to purge itself once and forever from the foul ulcer which was preying upon its vitals.

To provide the means for putting down the Rebellion, Congress, as soon as it could be called together, authorized Mr. S. P. Chase, Secretary of the Treasury under the new administration, to issue United States notes payable in coin to the amount of \$50,000,000, and to negotiate a loan of \$150,000,000 from the banks of New York, Boston, and Philadelphia. This loan was made payable in three instalments, — on the 19th of August, on the 1st of October, and on the 2d of November, 1861.

On the 9th of December of the same year, Mr. Chase sub-

mitted his first Annual Report to Congress. Although up to that time he had been amply provided from the sources stated, it was evident that the mere provision of means for the prosecution of the war in no manner bounded his lofty aims. General Jackson had his "experiment," and it made him famous. With him, State banks were the only institutions competent to furnish a constitutional currency. With Mr. Chase the exact reverse was the case. "It has," he said, in his first report, "been well questioned by the most eminent statesmen, whether a currency of bank-notes issued by local institutions under State laws is not, in fact, prohibited by the national Constitution. Such emissions certainly fall within the spirit, if not within the letter, of constitutional prohibition of the emission of bills of credit by the States."

We do not care to ask who these most eminent statesmen were who "well questioned whether notes issued by local institutions under State laws were constitutional." No history records their names. It is certain that the constitutionality of such issues was never questioned by any tribunal, either of the States or of the United States. The former had exercised this right unchallenged for seventy-one years, — for the whole period of the duration of our government. But all such legislation, judicial decisions, and uniform precedent were instantly overthrown by the fiat of one man, to gratify his ambition of signaling his administration of the finances by some distinguished measure, — all in the face of the most formidable rebellion that the world has ever seen.

"The whole circulation of the banks of the United States," said Mr. Chase, in his first Annual Report, "constitutes a loan without interest from the people to the banks, costing them nothing except the expense of issue and redemption, and the interest on the specie kept on hand for the latter purpose; and it deserves consideration, whether sound policy does not require that the advantages of this loan be transferred, in part at least, from the banks, representing only the interests of stockholders, to the government, to those representing the aggregate interests of the whole people." In a subsequent report he reiterated the statement "that notes circulating as money cost nothing but the expense of production and

supervision, and yet form a highly accumulative species of property. The necessities of war have caused the taxation of all forms of value. Can there be a sound reason for exempting from taxation that which costs the proprietor least and brings the most? The people demand a part of the benefit of *debt without interest made into money*, hitherto exclusively enjoyed by the banks. These demands are just and must be respected. The time has come when Congress should exercise this authority of transferring the advantages of this loan from the banks to the government representing the whole people. . . . Two plans for effecting these objects are suggested. The first contemplates the gradual withdrawal from circulation of the notes of private corporations, and for the issue in their stead of United States notes payable in coin, on demand, in amounts sufficient for the ends of a representative currency. The second contemplates the preparation and delivery to institutions and associations of notes prepared for circulation and to be secured as to prompt convertibility into coin by a pledge of United States bonds and other needful regulations."

To give the Secretary the greater freedom of action, Congress, soon after it was called together, modified the law creating the Independent Treasury so as to allow the State banks to become the depositories and fiscal agents of the government. He declined, however, to avail himself of such provisions, and required the money borrowed to be carted, in coin, from the banks to the United States Treasury, there to be paid out to the public creditors. Such a policy, which severed entirely the operations of government from the business of the country, and which wholly ignored the contrivances by which its commerce is carried on, could have had but one result, — the exhaustion and suspension of the banks. Had he placed himself in the relation to them of an ordinary borrower, using their notes and credits, the loans made would not necessarily have weakened their specie reserves, or their ability to meet all the demands made by the war. But it will be more appropriate to discuss this topic in a subsequent portion of this article.

By the time that the \$150,000,000 loan had been drawn, the coin of the banks had become wholly exhausted, and they suspended payment, December 30, 1861. Mr. Chase then

assumed that he could no longer borrow of them. He could no longer issue United States notes payable in coin, as he had no coin to pay with. He therefore so modified his financial schemes as to provide that the government should issue notes to be *legal tender* in all contracts as the only means by which the public could be made to receive them; and that the notes to be issued by the banks to be chartered by the government should be convertible, not into coin, but into the legal-tender notes. Such was the system as proposed and finally adopted, — a system the corner-stone of which is “debt without interest made into money.”

As this proposition and the system based upon it is something entirely novel in the science of currency and finance, its discussion would be a mere waste of words without some definite principles or standards to which to subject it. I therefore propose to restate, in a manner as brief as it can intelligibly be done, the origin and office of a metallic currency, the manner in which its use is superseded by other less costly and more convenient contrivances, and the provisions necessary to maintain such contrivances at the par value in gold. Till these questions are finally and authoritatively determined, discussion will only serve to confuse and mislead where it is meant to guide. There are now as many nostrums for our financial diseases as there are people who talk about them, as many bills for reform and relief as there are members of Congress; while each succeeding day only serves to send us farther and farther from the true course, and to render all the more difficult any return.

The necessity of a common medium of exchange of property is too obvious to require extended elucidation or argument. With only a slight advance of a people in industrial pursuits, it would often be difficult for a person to supply his wants by the direct exchange of his products for those of another. To obviate this difficulty as far as possible, every one would seek to exchange his products as fast as they were accumulated for such articles of property or merchandise as were in most general request. If there were any possessing a universal attractiveness, they would, by virtue thereof, necessarily become

mediums of exchange, as each person would seek to become the owner of them by exchanging therefor whatever he possessed and desired to sell.

It is plain that, without such original preference for one or more articles of property, man never could have risen above a savage or barbarous condition, as all his exchanges would of necessity be in kind or by barter. Wherever they are made in this manner, he remains upon the lowest plane of social, moral, political, and material existence. All civilizations are based upon accumulations of property, the extent of which is always in ratio to division of labor; but such division is possible only where the laborer can be paid in some article which he may not produce, but with which, by direct exchange, he can always obtain that of which he stands in need. It would be most illogical to assume that a fact of such transcendent importance as the passage of the whole race from a savage to a civilized condition would be left to depend upon caprice, or upon convention or agreement which, without the common guidance of the instinct, or law supposed, would set up as many standards as there are nationalities, thus inevitably creating the very confusion which convention and agreement were to remedy.

Now universal experience proves that gold and silver have an attractiveness for man superior to that felt for any other kind of merchandise or property. In the earliest periods of which history or tradition gives any account, and which are far anterior to any possible concert or agreement between different nations, the precious metals occupied precisely the same relation to the wants and nature of man that they do to-day. They served then, as now, as money in trade, and were regarded as the most desirable of all kinds of property to hold. In every period of history their possessor has always been able to purchase whatever a people had among whom he might happen to be cast, whether civilized or savage. No other articles of property have a similar power; for with the exception of the precious metals, what is highly prized by one people is often little valued by another. But in the desire to possess gold and silver, in this *auri sacra fames* all nations and races, barbarous and civilized, Asiatic, African, European, and American,

meet on the same plane. To all they have an attractiveness equal in durability and intensity; and among all they render those who possess them masters of the property and services of those who do not.

It is in overlooking this original attractiveness which the precious metals have for the race that nearly all the errors in monetary science have arisen, and which have rendered it to the present time little better than an unmeaning jargon of words. Gold and silver, it is argued, cannot feed, clothe, or shelter us; they cannot even help in any way to sustain life. How idle, then, to claim for them a greater value than for articles which do. There is no doubt that, in extreme cases, a person would part with untold gold for a morsel of bread or a cup of water, or for a plank to save from drowning; but all such examples are exceptions, not rules. When famine or want threatens, or when political and social disturbances make men distrustful of the future, their first care is to lay in abundant stores, not of food and clothing, but of gold and silver, assured that, provided with these, they can never be long in want, whatever may happen.

Gold and silver then, by the very instincts and passions of the human soul, are natural mediums of exchange. Their use as such preceded all convention or agreement, just as the love of society preceded social and political organizations. The first lump of gold dug from the earth rendered its lucky finder an object of general envy. Each one of his companions, by offering whatever he possessed in exchange, would seek to become the owner of the coveted prize. All that convention or agreement could do in the matter would be to devise some mode by which it should bear an impress denoting its weight and fineness, and consequently its value. The degree of such value would of course depend, as does that of every article of merchandise, upon the cost of production, which, as a rule, is the inexorable standard of all values.

The universal attractiveness of gold and silver depends upon their beauty and their almost infinite adaptability to works of taste and art. Of all values, those are most prized that minister in the highest degree to our sense of the beautiful. The value of gold and silver even often sinks into

insignificance compared with that of the diamond, or of some exquisite piece of painting or sculpture. But such values are exceptional and local, and have none of the attributes of universality and uniformity which gold and silver have maintained, with equal intensity, from the birth of man to the present hour.

Other attributes fitting gold and silver to become mediums of exchange or standards of value are their high relative value; their divisibility without diminishing their value; the capacity of each piece, however minute, to receive an impress denoting its quantity; their durability, and the uniformity of their cost and supply. No other articles whatever, for the want of such subordinate qualities, are fitted to become mediums of exchange, no matter how high may be their relative or positive value.

Gold and silver, consequently, are the natural mediums of exchange. Every producer desires to convert his surplus into them, or into promises to pay them. All contracts, therefore, are taken to be payable in them, whether they contain such provision or not. But as their intervention in the transfers of property is a tax upon industry, one of the first contrivances of commerce was to dispense, as far as possible, with their use by offsetting values — one against the other — by the use of symbols or evidences of property, of which bills of exchange drawn in commerce between nations afford a striking example. A dry-goods merchant in the United States does not, ordinarily, accompany his order on the English manufacturer with its value in gold, but purchases of his neighbor engaged in shipping produce to that country a bill drawn against such shipments. The foreign manufacturer collects the bill and credits his American customer with the amount. The case is reciprocally the same with the purchaser, in England, of American produce. Exchanges made in this manner, which are of the nature of those in kind, dispense with the use of an amount of gold and silver equal to their volume, — effecting, of course, a corresponding saving. Were the exports and imports between the two countries exactly the same in amount, not a dollar in gold would be required in the commerce between them. But while they are nearly uniform for a series

of years, it seldom happens that they are exactly balanced for any one year. The difference, whatever it may be, must be paid in gold and silver, which, in such cases, moves rather as capital than as currency.

Bills of exchange, consequently, drawn against shipments of merchandise, are the mediums of exchange, or currency, in international commerce. The advantages resulting from the elimination of a corresponding amount of capital in the form of coin from unproductive employment are too palpable and well understood to require further illustration. Were gold and silver present in every transaction between nations, the vastly increased amount of capital required would abridge commerce to a mere fraction of its present volume. The progress made in mechanic arts, as well as in the operations of commerce, and which is the distinguishing feature of the present age, consists either in abridging entirely cumbersome and expensive processes, or in superseding them by others more cheap, simple, and expeditious.

The exchanges between distant points of the same country are effected in precisely the same manner as those between different nations. The value of the commerce between Chicago and New York is only second to that between New York and Liverpool. The bills mutually drawn against shipments of produce on the one side and merchandise on the other so nearly balance each other that the small amount of money used is lost sight of in the magnitude of the transactions.

Now bills, whether foreign or domestic, drawn against sales or shipments of merchandise, are not adapted to local exchanges, in other words, to retail trade. A similar end is, however, reached by another process,—by an issue by the holders of such bills of their notes, of denominations suited to nearly every exchange, no matter how small may be the amount involved. As a rule the issue of such notes has been restricted by law to corporate institutions,—to banks,—although there is no other reason for this than that such institutions are presumed to have no business but the lending of capital, while individuals are generally engaged in other transactions which might imperil the safety of the notes they might issue.

When the capital of a bank, consisting of gold and silver, is

first loaned, its borrowers, as a rule, would prefer, instead of having the specie counted out to them, to receive the notes of the bank, or credits on its books, entitling them, or any person into whose hands such notes or credits might fall, to draw the coin at will, the bank in the mean time assuming the charge and risk of safe-keeping. Such notes or credits, of course, derive their value solely from the values which they represent. They are symbols or title-deeds to the capital of the bank, and empower their holder to make partition of the same and convert to his own use a portion corresponding in amount to the nominal value of the notes and credits he may hold.

As the capital was drawn its notes and credits would be taken in to an equal extent. Such capital would then be represented by the bills of borrowers, possessing precisely the same value as the coin from which they were taken. Their payments, unless the bank continued to make new loans, would return its capital in its original form.

If the bills receivable of a bank equal in value the coin for which they were taken, it follows that notes and credits issued against such bills possess the same value as when issued against coin. In the one case the capital they represent is in the vaults of the bank; in the other, the same capital is in the hands of the borrowers, who are using it in the prosecution of their various industries, and will repay it when these are completed, and their products, such as food, clothing, and the like, — the equivalent of coin measured by the standard of cost, — have entered into consumption.

As bills drawn in foreign commerce, by transferring by delivery the merchandise they represent, or the proceeds of the same after it is converted into money, serve as currency between nations; and as they are discharged or paid, by mutual offset, in the clearing-house of the world, London, and without the interposition of coin, except in the payment of balances that may be found against the debtor nation, — so the notes and credits of banks, representing domestic bills drawn against merchandise, and entitling their holder to a proportionable part of the same, serve as a domestic or local currency, of a nature almost precisely the same as bills between nations, or between distant portions of the same country. They rep

resent, in denominations suited to the means and wants of all, the merchandise of a community entering into consumption. They are substantially certificates of, or tickets to, such merchandise, and differ from commercial bills chiefly in being payable on demand. To carry the illustration still further, we may suppose each interest or industry of society to be represented by its bank, the notes and credits of which measure the amount and value of the merchandise each has for sale. It is easy to see that the notes and credits of all would be the most convenient instruments possible for the distribution of the merchandise which each interest possessed. If that which any party happened to hold did not represent the exact article he needed, he would have no difficulty in exchanging them for such as did. Were all the various interests in equilibrium, that is, if each produced values equal to those it consumed, then the exchanges of merchandise between them would be wholly made by the use of such symbols and without the intervention of a dollar in coin. Should there be an excess of notes and credits over the salable merchandise of any interest, the delinquent would have to make good the deficit in coin (which is alike currency and capital) as the measure or equivalent of the merchandise which its notes and credits represented, but which it did not possess, or for which it could find no sale. Coin, therefore (so perfect have become the other instruments and contrivances for effecting exchanges), is seldom used but as capital in payment of balances; and as the industries of society are nearly in equilibrium, only a very small amount interposes either in the foreign or domestic trade. The amount used only measures the aberrations of such commerce from a healthy and normal condition. The balances, for example, at the New York Clearing-House, when the currency was on a specie basis, at which settlements are made for the city banks, did not exceed one fiftieth part of the whole volume of its transactions.

As the payment to the bank of its bills receivable will supply the means for new loans, it very properly makes loans by an issue of its notes and credits in anticipation of their payment. An individual having his means wholly in good bills could enter upon an undertaking with as much safety as if he had

the entire amount of his proposed outlay in ready money. His expenditures would necessarily be distributed over a considerable period of time, and would be seasonably met by the maturity of his bills, while such as remained at any time unpaid would be drawing interest. As far as their expenditures are concerned, borrowers at a bank are in a position precisely similar. They want capital, to be expended, gradually, in their various enterprises, and will draw it only as wanted. The bank, in making loans in anticipation of the payment of its bills, says, in effect, to the party seeking to borrow: "We may not have on hand the whole amount of money you require, but we have bills upon which we have made loans, which will probably fall due before you will have occasion to draw any considerable amount of the sum you wish to borrow. We will, therefore, issue you our notes or credits for the sum you want, and hold the proceeds of such bills to meet your checks upon us. As it is well known that the bank, by the payment of its bills, will be in possession of such capital by the time the notes and credits so issued will, in the ordinary course of business, be presented for payment, they will be as readily taken, and perform, as currency, the same function, as if issued against capital in actual possession. The notes and credits issued in anticipation of the payment of its outstanding bills will naturally fall into the hands of their makers, and be used by them in their payments. On the payment of such bills a corresponding portion of the notes and credits of the bank issued against them will be taken in. Its liabilities will be so far retired, while its capital will then be represented by the bills of the new borrowers. In this way the capital of a bank, wholly out of its actual possession, may be loaned and transferred from one borrower to another an indefinite number of times, without the interposition on either side, except when it was first drawn, of a dollar in coin.

Were the amount of notes and credits issued by banks restricted to that of their coin actually in hand, its withdrawal would wholly retire them, leaving the public to the use of a metallic currency alone. Payments in such case would have to be in coin, and would take from circulation the identical capital loaned, and would in many cases involve the winding

up of the industries it had set in motion. But the notes and credits of a bank, issued in excess of its coin in hand, or upon its deposits, or upon its bills soon to mature, serve, as has been shown, as the instruments of payment equally with specie. Their use, therefore, in such capacity, allows the whole amount of the loanable capital of a community to remain constantly and in equal volume in the hands of producers, and new industries to be entered upon in anticipation of the closing up of old ones. So far, consequently, as the loans of banks are made (within proper limits) in excess of the coin they possess, they are equivalent to the creation of a corresponding amount of new capital.

It is from the want of proper attention to the operations of a bank that most of the errors in banking and monetary science have arisen. A superficial observer sees the loans of a bank to be \$1,000,000, upon a capital, perhaps, of \$500,000, and on a specie reserve in hand of only \$100,000, and consequently infers, with Mr. Chase, that its notes and credits are "debt without interest made into money"; that "the circulating notes cost nothing but the expense of their issue, and being loaned at interest form a highly accumulative species of property."

It is certain that banks derive a substantial advantage in issuing notes and credits in excess of the capital they actually possess. The issuing of such excess is the leading inducement to their formation. There would be no object in organizing them, could they issue notes and credits only against the capital they had in hand. Such capital could be loaned as well without as with banks. But the public gain vastly more than banks by such excess of issue, by having their capital always in use, and in having all the transactions of society — the loaning of money, as well as the transfers of merchandise — effected by the use of symbols, instead of the intervention of actual values. The process described (confined within limits which every prudent business man is competent to prescribe) is a perfectly safe one. A bank, by passing it from one hand to another, never loses control of its capital. Should it be desired at any time to wind it up, its loans have only to be called in. Their payment, no matter who may be their makers, will return its capital in its original form of coin.

As it is inevitable, from the saving effected, that exchanges of property should be made by the use of symbols, and as such symbols form the currency of commerce, it follows that, if its issue were open to all who have capital to lend, the volume of currency would always be in ratio to such capital, — would rise and fall in amount with its constituent. We should then hear no more of the want of a *flexible* currency, — a complaint so justly charged against the present system. When we hear complaints of a want of bills on London, we know that it means, not a want of bills, but of property or merchandise to be drawn against. Who would ever think of going to the government for legislation to increase the amount of such bills? The remedy would be increased production. If the crops were abundant there would be a large supply of them; if deficient, a short supply. The same would be the case with currencies furnished by the banks. If they possessed a large amount of capital in the form of bills drawn against merchandise or produce, they would issue a corresponding amount of notes and credits. The one, by a necessary law, would be in ratio to the other. Want of money, therefore, in common parlance, means simply want of products, of capital. The only remedy — increased production — would be, as in foreign bills, obvious to all.

The essential quality of all currencies is their convertibility into coin; not upon the instant, but in the ordinary course of trade. A sight bill drawn against a shipment of flour from New York to Liverpool could not be paid from the proceeds of the sale of the same as could a sixty-days bill. Yet one is worth just as much as the other, less interest. Instant convertibility of the assets of the strongest banks or individuals is impossible. It means the liquidation, not the continuance, of the industries; not life and progress, but destruction and decay.

The ability of a bank to maintain its capital intact will depend upon the ability of the makers; in other words, upon the character of the property for which their bills were given. Bills given for merchandise entering into constant and general use, such as food, clothing, and the like, are almost certain to be paid, as the purchase and consumption of the property they

represent is not a matter of choice, but of necessity. What is daily consumed must be daily paid for. There is, on the other hand, no certainty whatever that other kinds of property, however indispensable, such as houses and lands, to take a familiar illustration, can, within a given period, be sold for ready money. The purchaser of such property may have to wait for months, or years even, if he would avoid sacrificing it, before being able to find a party who will take it off his hands; and consequently, unless he has other means more easily convertible, may be utterly unable to pay the bills given as the purchase-money. On the other hand, the daily and uniform purchase of food and clothing does not depend upon fancy or caprice, but upon the means of consumers, which, on an average, always exceed their immediate wants. Banks, therefore, in discounting such bills, run hardly any other risk than the integrity and capacity of their makers. It is the office of the latter to distribute such merchandise to consumers, and to collect and pay over the proceeds of the same. The proper office of the bank, in fact its only legitimate function, is to make producers in advance, so that they may not be compelled to suspend operations to await the slow process of the sale and distribution of their merchandise. It is only when it confines itself to such transactions, that is, when it confines its loans to business paper, that it is conducting its operations in a manner that can by any possibility return its capital to it in the original loanable form.

It is for the reason stated that banks whose capital has consisted of real estate, public securities, or, in fact, of any other kind of property than gold and silver, or of the promises, speedily to mature, of solvent parties to pay them, and given for merchandise of equivalent value, entering speedily into consumption, always have proved and always will prove disastrous failures. Neither real estate nor public securities can be eaten, drunk, or worn, or exported to foreign countries (except the latter to a limited extent), and consequently cannot be relied upon with any degree of certainty to pay a debt presently maturing at home or abroad. The means of a bank must be in such form as to be convertible, on demand, into the universal currency of nations, into that which will, by direct exchange, pur-

chase tea in China, coffee in Brazil, sugar in Cuba, iron in England, and wines and silks in France, as well as articles of domestic production. Such conversion can be speedily made only when the notes and credits issued represent property of a kind that will be speedily consumed or exchanged for coin by the laws of trade, and the necessity to support existence; or when, by being salable in foreign as well as domestic markets, it can supply bills wherewith to meet any foreign indebtedness that may have been created.

Time is another important element to be considered, if a bank would preserve its capital in a loanable form. The borrower should be always compelled, by the early maturity of his bills, to keep pay-day constantly in view, otherwise he will be liable to misapply or squander the proceeds of his loan. Suppose a loan to be made to a manufacturer for twelve months, to enable him to purchase material to be used in his business. The chances would be that he would employ the greater portion of the intermediate time in pushing his enterprise, without sufficient reference to what other manufacturers were doing, or to the wants or tastes of the public; so that when the day of payment came round his means would consist of a large amount of unsalable merchandise to represent the capital borrowed. On the other hand, loans made on short time compel the borrower to shape his industries and enterprises so that his products will be suited to the market, and find a ready sale. Short loans enforce industry and thrift and competent management; while long ones are almost certain to involve the bank in loss, or convert its loanable capital into fixed and often unsalable property.

Money, whether in the form of coin or notes and credits of banks, is the instrument of expenditure. So long as it consists of coin, or so long as it is the symbol of property or merchandise about to enter into consumption, there can never, as a rule, be an excess of it, as it is only the measure of the proper means of consumption. Such means should be property of one kind or another, representing the actual earnings of a people. These are, and always will be, in a great measure, consumed as they are produced or acquired. Each generation is entitled to the fruits of its own labor and enterprise.

In the most thrifty communities the actual savings over expenditures, from year to year, bear only an insignificant ratio to the whole amount actually produced. But no system should be tolerated that will enable a community to spend its accumulated capital,—the savings of previous years, or any considerable portion thereof. Now, bank currency issued in discounting a note given for real estate or securities will have the same purchasing power as currency issued in discounting a note given for merchandise,—flour, for example. In the one case the value of the land which represents past acquisitions, and is a part of the fixed capital of the country, and which should be the basis of further production, is spent; in the other, that which has been produced for consumption, which the former must sell to provide the ordinary means of support. The same rule is applicable to a currency issued upon public securities. It is simply the means of spending such securities, which, like real estate, are accumulated capital.

When currency is issued without anything behind it, it works a still greater evil. It is a debt to an equal amount, but being in the form of money,—of instruments of expenditure in excess of means,—its issue causes an increase of price in ratio to its amount, so that before it is retired it has cost the community issuing it at least twice, and if continued for any length of time many times, its amount, as prices as a rule will be maintained so long as “debt without interest made into money” continues. Tampering with the currency, therefore, should be treated as one of the gravest offences that can be committed against society. It destroys all proper relation between cost and price, between service and reward, subjects industry and enterprise to all the hazard of speculation, and saps to its foundation the moral as well as the physical well-being of society.

The usual solvency of currencies naturally creates a presumption in favor of such issues. Such presumption is constantly taken advantage of by parties who issue them, not as instruments by which capital is loaned, but for the purpose of supplying the lack of it. This great evil often goes far to neutralize the advantages of their use. The imposition on the

public of currencies, the evidence of debt instead of capital, is all the more easy from the fact that they are supposed to derive no small portion of their value from bearing the insignia and from being issued under the authority of government. Indeed, the opinion seems to be almost universal, that money can be the creation of government. There never was a greater or more fatal error. The value of all currencies depend upon that of the article used or symbolized. In providing a metallic currency, the functions of government are limited to the declaration that a given number of pennyweights of metal shall be called a dollar, and to the affixing of such declaration to the coin. The value of the metal composing such coin is in no way affected by this process, but must always depend upon its intrinsic value, — upon cost.

Government has no more function for the creation and management of a currency than it has for conducting any other commercial enterprise. So far as it has capital to loan, and no further, may it issue symbols, notes, or credits against it. But no government has money to loan. Its proper function, consequently, in the matter of a currency, is to provide conditions for the security and protection of the public. Its office is supervisory, not creative. Even in the exercise of its proper powers, the less it interferes, except to protect, the better. Worthless currencies are often palmed off upon the public for no other reason than that they are issued by permission of, or under the authority of, government. Currencies issued by individuals or voluntary associations have nothing presumed in their favor. They would be compelled to deserve, to command confidence. Every one would be on his guard. In this, as in all kindred matters, government need have no fear that the public will not take care of themselves.

No speculation is more indulged in than that which relates to the amount of currency required in the operations of a people, — those of the United States, for example. Such a question can no more be answered than can one asking how many bills of exchange, ships, counting-houses, warehouses, or title-deeds to real estate are wanted, — as many as are necessary to effect and record the transactions of society. A community left free will provide a currency, as well as all

other contrivances necessary to carry on its business operations.

Having elucidated the principles upon which all currencies, whether of coin or of symbols, rest, we can now proceed to an intelligible discussion of the currency and banking system of the United States.

As already remarked, the attempt to carry on the vast operations of government caused by the war, through the machinery of the Independent Treasury, was the first capital blunder of the incoming administration, — a blunder to which we owe by far the greater portion of our national debt, with all the evils and entanglements of an irredeemable currency. In demanding coin on his loans, Mr. Chase acted precisely as would a Turkish pasha or a minister of Louis XIV. It was conduct worthy of the Middle Ages, not of the latter part of the nineteenth century. Government did not want the specie of the banks, but the articles which specie would bring, — food, clothing, transportation of the soldiers, munitions of war, and the like. By restricting himself to the specie of the banks, Mr. Chase restricted his means in the ratio that such specie bore to the whole available capital of the country. Had he placed himself in the position of ordinary borrowers, drawing against his loans as in the usual course of business, leaving the use to be made of his drafts to the convenience of the parties into whose hands they might fall, such drafts would not, except in the settlement of balances, have been drawn in coin, but would, as in commercial transactions, fall into the hands of the debtors of the banks, and be used by them in payment of their bills. The whole capital of the country could in this way have been reached by the government, by the use of a currency of symbols, just as well, and far better, than by a currency of debt. The volume of the symbolic currency would always have been in ratio to the available capital of the people; and in the fervor of patriotism which prevailed at the North, every dollar of this capital was at the disposal of the government.

The first Legal Tender Act was passed February 28, 1862. Mr. Chase earnestly pressed its passage with the legal-tender clause. "The provision," said he in a letter dated January 29,

1862, to Mr. E. G. Spaulding, member of the Committee of Ways and Means, and who had charge of the bill, "making United States notes a *legal tender* has doubtless been well considered by the committee, and their conclusion needs no support from any observations of mine. I think it my duty, however, to say that in respect to *this* provision my reflections have conducted me to the same conclusions they have reached."

Only a short time elapsed after the passage of this bill before the Secretary found himself out of money, and he addressed, on the 7th of June, 1862, an official communication to the Committee of Ways and Means, accompanied by a bill in which he "proposed that authority be given to the Secretary of the Treasury to issue \$150,000,000 of United States notes in addition to the issue already authorized, and that these be made a *legal tender* for debts, except interest on loans, and receivable in payment of all loans to the United States, and for all government dues, except duties and interest."

In no single instance, in his communications to Congress, did Mr. Chase express a doubt as to the constitutionality of legal-tender notes. He not only, on every occasion, earnestly pressed such issue, but he declared the use of such notes to be one of the most beneficent acts of his administration. "In his former reports," he said, in his Annual Report for 1863, "the Secretary has stated his convictions, and the grounds of them, respecting the necessity of putting a large part of the debt in the form of United States notes, without interest, and adapted to circulation as money. These convictions remain unchanged, and now seem to be shared in by the people. For the first time in our history has a real approach to a uniform currency been made, and the benefits of it are felt by all. It is a gratification to know that a tribunal so distinguished by the learning and virtues of its members as the Supreme Court of New York has given the sanction of its judgment to the constitutional validity of the law!"

It is well known that in a short time after he ceased to be Secretary of the Treasury Mr. Chase became Chief Justice of the United States; and that (in the case of *Knox v. Lee*, 12 Wallace's Reports) he pronounced all the legal-tender acts

unconstitutional, using in that case the following extraordinary language : —

“It was my fortune at the time that the United States legal-tender clause was inserted in the bill to authorize the issue of United States notes, and received the sanction of Congress, to be charged with the anxious and responsible duties of procuring funds for the prosecution of the war. In no report made by me to Congress was the expedient of making the notes of the United States a legal tender *suggested*.”

Such a direct denial of acts, of one of which, at least, he was the author, and all of which he recommended to Congress and pressed with whatever eloquence and influence he could command, is an example of political profligacy without parallel in the history of this country. It has laid the late Secretary open to the grave charge that his decision in the legal-tender case was influenced by improper motives, and has left an indelible stain upon his memory.

Whatever may have been the competency of government to make its notes legal tender, such action was certainly the most costly and injurious mode that could have been devised for raising money. Gold and silver immediately disappeared from circulation, and, as speedily as possible, took their flight to other lands. In 1860, our exports of coin and bullion amounted to \$66,546,239. The imports for the same year were \$8,550,135. In 1861, the first year of the war, and while the country remained on a specie basis, the exports were \$23,800,810; imports, \$46,359,601; showing an immediate reversal in our favor in the current of the precious metals. So long as we had continued on a specie basis, our needs would have drawn largely gold from other countries. The moment we suspended, the current changed against us. The imports of specie in 1862, after we had suspended, were \$16,415,012; exports, \$36,886,956. Each year the current turned more and more against us, and has continued, till it has drawn not only all our past accumulations, but all the produce of our mines for the past eleven years. During this period our exports of the precious metals have been \$723,639,913; our imports, \$177,124,546. With the floods of paper money which rushed in to fill the vacuum created by exports of gold, all kinds of property rose in like ratio, so that in the vast operations of the

government, soon reaching thousands of millions, the excess of price paid over cost was undoubtedly threefold greater than the whole amount of legal tender issued. But this is not all. Whoever possessed property of any kind suddenly found himself rich. A spirit of wild speculation seized the whole nation, and for a long time paralyzed the military arm of the government. The taint invaded every department of service. Instead of freely enlisting, as at the outset, soldiers demanded enormous bounties, and then deserted to enlist, for the same reason, in another place. Had the proper financial policy been pursued, we should have presented the glorious spectacle of a people that by the same masterly stroke put down a gigantic rebellion and enfranchised four million slaves, and should have come out of the contest, not only with our power and justice vindicated, but free from the enormous burdens now resting upon us, and with a currency everywhere the equivalent of gold.

Congress, as has been seen, responded immediately to Mr. Chase's request for an issue of legal-tender notes, but not to his plan for a system of national banks. He returned to this subject again in his report for 1862. His scheme, he tells us in that report, "embraced a limited issue of United States notes as a wise expedient for the present time, and as an occasional expedient for future times; and of the organization of banking associations to supply circulation secured by national bonds, and convertible always into United States notes, and, after the resumption of specie payments, into coin. He recommended no paper-money scheme, but, on the contrary, a series of measures looking to a safe and gradual return to gold and silver as the only permanent basis standard and measure of values recognized by the Constitution, between which and an irredeemable paper currency the choice is now to be made. "The Rebellion," he continued, "has brought a great debt upon the nation. It is proposed to use a part of it in such a way that the sense of its burdens may be lost in the experience of its incidental advantages. The issue of United States notes is such a use. The security by national bonds of similar notes furnished by banking institutions is such a use. In these several ways may even such great evils as are brought upon us by the Rebellion be transmuted, by a wise alchemy, into various

forms of utility. The Secretary has endeavored to use this alchemy. With what success the country will judge when time and trial shall have applied to his work their unfailing tests."

As specie was wholly eliminated from his system, as no provision whatever was made for the redemption of the legal-tender notes, such notes being simply promises to pay at the pleasure of the government, and as the only redemption provided for bank-notes was in the notes of the former, the banks not even being required to hold the coin interest received on the bonds deposited as security for the redemption of their notes, but allowed to sell every dollar,—a right of which they availed themselves without exception, tempted by the high premium for gold,—it is difficult to believe that Mr. Chase attached any meaning whatever to the language he was accustomed to use. It is certain that he never grasped a single principle lying at the foundation of monetary science. His stately and flowing rhetoric can only be accounted for by his entire ignorance. Everything was plastic to his touch, to be moulded at will into just such form as suited his fancy or caprice. Such instances are not rare. Men are usually fluent in proportion to their want of knowledge of the subjects they discuss. They have no fetters to their imagination, no unsolved questions over which to pause and reflect, to remain, perhaps, still in doubt.

Another purpose near to Mr. Chase's heart was "to render impossible any great moneyed monopoly." For this purpose he transferred to the central government, to be wielded by a single will, the powers and responsibilities that had previously belonged to thirty-four States,—States differing in political and financial views, and often so antagonistic that no combination whatever was possible between them. Under the system inaugurated by him all the banks now draw their origin from one source. They have a perfect community of interests, and instantly make common cause whenever their rights and privileges are attacked. What touches one touches all. One can hardly estimate the vastness of the power that two thousand institutions, having a capital of \$500,000,000, with all their immense following of stockholders and officers,

can wield,—all intelligent and all moved by one instinct. We do not impugn their motives or integrity, but it would be folly to suppose that the preservation of their own privileges will not be their first and constant care. It will be found, if we mistake not, that their opposition will be one of the most potent obstacles to the restoration of the finances of the country.

If monopoly means privileges conferred on a class,—privileges which forbid competition and which entitle those holding them to draw enormous revenues from the people without any equivalent in return,—then the greatest and most odious monopoly ever created is the present system of national banks. It is simply a legalized system of usury. The government pays one rate,—interest on its bonds in gold. The borrower another on the notes secured by these bonds. The theory was that the notes of the banks would be redeemed from time to time in the United States notes. But such redemptions are never made, for the very good reason that the thing to be redeemed has a higher value than that which is to redeem it. Government is equally behind both issues. Should it become bankrupt, so as not to be able to pay a dollar, still the bank-notes would be worth something, as all the institutions issuing them have more or less capital over and above the bonds deposited at Washington. This double interest on the same capital, together with loans on their deposits, has enabled the banks to earn, on an average, at least fifteen per cent net, and to pay in dividends at least ten per cent annually. These institutions have, in fact, pretty nearly eaten up the profits of all other kinds of business. Government pays them an annual gratuity of \$24,000,000 in gold, and has paid, in the aggregate, in the eleven years they have been in operation, about \$250,000,000 in gold, for which not a dollar's equivalent has been returned. So much for Mr. Chase's grand measure to secure to the people the advantages of "debt without interest made into money," to rescue them from the perils and oppressions of a vast moneyed monopoly, and to provide a sure and easy way for return to specie payments!

We have commented at length upon Mr. Chase's public career for the purpose of illustrating the ignorance, audacity,

and reckless levity with which, in this country, affairs of the greatest moment are often conducted. There seems in some directions to be not only no statesmanship, but no capacity to learn and apply some of the simplest truths in political economy. This, perhaps, is not so strange when we consider that, for a long period previous to the war, the receipts and disbursements of the general government were on a very limited scale, and the currency was supplied, as it always should be, in great measure, by State and local institutions. The Federal government was almost without functions, except the management of its foreign affairs. The machine of state had run so smoothly that we were hardly conscious of its existence. We made no provision for the future, because we felt no need in the present. The war which burst upon us in all its gigantic proportions found us wholly untrained and unprepared. There was another reason, lying deeper still. It is natural in a country like our own, so boundless and so rich, where all the articulations of society are perfectly free, and where such freedom has produced unexampled results in our splendid cities, in our magnificent system of public works, which embraces a railroad mileage equal to that of all the rest of the world, and in the rapidity with which a vast continent has been occupied, subdued, and made the abode of a higher civilization than has yet been reached, that we should become intoxicated with our success, and imagine our institutions and methods the summit of human achievement, with nothing left for us to copy or to learn. We are likely, speedily, to get over this delusion, and to discover that every nation must, through its own bitter experience, find the right way, and that we are most rotten where we fancied ourselves the most secure. We have for years been hugging to our bosoms a financial system false in every grain. The corruption which exists in our great cities demonstrates free government in them — in New York particularly — to be a dead failure, and that all corporate life in this country is more or less tainted. We have, however, no fears as to the final result. When our people become fairly aroused to the existence of any great evil, either in their political or financial condition, they will in the end display the same good sense and capacity in its correction that they have displayed in the management of their private affairs.

The entire absence of any adequate provision for the redemption of our currency is what renders its manipulation a matter of such ease, and subjects all kinds of business to violent fluctuations, against which it is impossible to guard. In their eagerness to lend every dollar upon which they can lay their hands, the banks are always running under bare poles. For the greater part of the year the sudden withdrawal from them of \$5,000,000 of greenbacks is felt throughout the country. There is nothing whatever to take their place. Money, consequently, can at any time be made plenty or scarce by a knot of speculators, who in this way hold in their hands all the material interests of the country. Jay Gould, contemptible as he is, by locking or threatening to lock up a few millions, has often sent terror into the stoutest hearts. It is the old story of the gnat and the lion. Upon a specie basis all such tricks would be impossible. There would then be probably \$500,000,000 of specie in the country. This vast sum, held chiefly in the pockets of the people, would constitute at all times a reserve fund always available for any emergency. Should an attempt be made to withdraw currency from the banks, gold, in the form of reserves in the hands of the people, would immediately flow in to take its place. The impossibility of accomplishing the object would prevent all attempts to create an artificial stringency. With a specie basis there is always a double currency: one of symbols, by which, no matter how much gold there may be in a country, the greater part of its operations will always be carried on; the other of gold, in which a considerable portion of its accumulations will always be held. It is only by the accumulation of such reserve that we can hope for any relief or any steadiness in the financial condition of the country.

As our currency is "debt without interest made into money," payment of debt would retire it. Such payment would seem a comparatively easy measure. We have, for many years past, retired \$100,000,000 of bonds annually without any disturbance to the business of the country. But debt made into money is very different from debt in other forms. It is the medium of exchange, a measure of values, the machinery by which the business of a community is carried on. As it is less

costly than symbolic or specie currencies, it has supplanted them altogether. It is the only currency we have, and our people cannot part with it without being forced to make exchanges in kind,—in other words, being remitted to a state of barbarism. Any plan, therefore, that assumes to provide for the retirement of our present legal-tender notes must at the same time provide another currency to take their place, and here comes in the chief difficulty in the case. How can we bring a more costly currency into use, when the one we have will accomplish precisely the same object as far as the payment of debts is concerned?

The idea almost universally prevails that this debased and depreciated currency can be brought to the specie standard without retiring it or providing any means therefor. “A people,” it is argued, “must have a certain amount of currency for their exchanges. If there be an excess, it will be at a discount; if there be only the amount required, then it will go to par. The true remedy in our case is to await the growth of the country, which silently but surely will soon absorb all the currency, and bring it in this way up to the standard of gold.”

It would be easy to estimate the value of a currency of debt, not legal tender. It would equal that of gold, *less* the interest for the time it had to run. A plain note without interest due in one year would be worth six per cent *less* than one bearing interest at that rate. The amount of such notes outstanding would make no difference. If there were only one in a population of 40,000,000, it would be worth no more than if there were millions of them. So long as the public were not compelled to receive them, they would take them only at their value. Now the mere declaration of the government that its notes shall be legal tender adds nothing to their intrinsic worth. They are paid no sooner, nor do they bear interest, for such a declaration. If government enacts that the commerce and trade of the country shall be carried on by notes having a specified *water-mark*, these notes would command a higher price in the market than notes of the same tenor but without such mark, just as ships to which was given, by law, the preference in the transportation of merchandise from New York to

New Orleans would command a higher price than ships to which such preference was refused. It is a monopoly, to be sure, but the shippers must use them or be content to do nothing. The owners of the ships would reap the advantage, and the people, the producers and consumers, would suffer a corresponding loss. What one party gained the others would lose, and a great deal more, from the interference with the freedom of trade, and in the restraints and discouragement that would be put upon all kinds of industry and enterprise.

All this is very plain. Legislation can do nothing to create the value of a currency. It may prescribe certain uses for certain things, and in this way create a necessity for them, but this increase of price is bounded by the extent of territory over which it has jurisdiction. It makes no difference with a Liverpool merchant (except to send to this country for sale) whether a United States note offered him be legal tender or not. His first inquiry would be, "What can I do with it? where can I get the money it calls for?" One kind will pay his debt as well as another. If he took either, it would be at a rate that would make him good by its sale or by waiting its maturity. No matter how nearly the notes might approach gold in the New York market, he would sell his merchandise at a less price for the latter, as the taking of the former would always involve another transaction—sale and conversion of the note—before he could get the kind of money that would meet his case. In foreign markets, consequently, "debt of the United States without interest made into money" must always be at a discount. If at a discount there, it will be at a discount here. If gold will pay for more abroad than United States notes, it will pay for more at home. The foreign market will always control the domestic one. Legal-tender notes, therefore, can never be brought to par anywhere unless they can be exchanged by the holder, instantly and at all times, for gold.

The absurd notions that debt without interest can equal in value debt with interest, and that a promise without interest to pay gold at a certain day can be as valuable as gold in hand, are so ingrained in the popular mind as to render necessary these demonstrations, which ought to be as superfluous as teaching

the alphabet to adults. The plans to accomplish this object are of a piece with the notions themselves. The one most likely to be urged at the present session of Congress is that of Mr. John Sherman, chairman of the Senate Committee on Finance, fully detailed in that paper by the correspondent of the *New York Times*, under date of the 19th of November, 1873:—

“Mr. Sherman,” says the correspondent, “is in favor of a law which will authorize a convertible five-per-cent United States bond with the right in the government to an alternative redemption either in coin or bonds. Mr. Sherman believes that if, as long ago as 1868, when the subject was first proposed, Congress had authorized United States notes to be received for five-per-cent bonds at par, we should have long since been at specie payments. The notes, when received, could be paid out again to meet current expenses and for the purchase of bonds. It would be a similar reissue of notes to that which is practised by the Bank of England, our circulation being fixed at four hundred millions. In this way, when our five-per-cent bonds were worth par in gold, we should be at a specie standard. The increasing credit of the country would have brought currency to a par with gold, exactly as it has brought all forms of bonds to par, and even above par, in gold. Whether the currency would be contracted would depend entirely upon the amount of currency necessary to conduct the business of the country. It seems certain, in view of the commercial conditions of the country, that all the currency now outstanding, and even four hundred millions, could be maintained in circulation on a specie standard. In view of the large reserves that are needed by the banks, and of the gold reserve of the Treasury, and of the confidence of the people in the credit of the government, it is improbable that, when the currency should have been brought to par through the advance of this new convertible bond, any considerable sum, except in possible case of panic, would be presented for redemption. . . .

“Mr. Sherman is confident that such a plan would secure the elasticity of the currency which has so long been desired, and would provide for specie payments without commercial embarrassments. . .

“In connection with this plan, Mr. Sherman proposes no contraction of the currency. Indeed, he would seem to waive the legal difference of opinion which has existed in the Senate Committee on Finance with regard to the amount of outstanding legal-tender notes, and in connection with the law authorizing the issue of this new five-per-cent convertible bond he would declare that the amount of the

legal-tender circulation should never exceed four hundred millions of dollars. He would make it lawful for the Secretary of the Treasury to issue the so-called forty-four millions legal-tender reserve, but would leave it unissued except as necessities might require."

We had supposed magic to be an art "inhibited and out of date." We confess to our mistake, for nothing short of magic — of the working of unseen agencies — could accomplish what Mr. Sherman proposes. These agencies are to be always present to inspire the government with the beneficent purpose of paying out at all times to its creditors just such money as they wish to receive; and at the same time to inspire the creditors with a similar beneficent purpose of receiving, indifferently, just that kind which suits the convenience of government to pay, — whether it consists of debt, never perhaps to be paid, or the bright shining and clear ringing coin. What a picture of perfect society is here presented! — a society in which governor and governed are always eager each to sacrifice itself on the altar of the other's good. The intercourse between them is a never-ending round of courteous "salaams," with, "Sir, please take the precedence"; or, in Oriental phrase, and with graceful and expressive wave of the hand, "All that you see is yours." That nothing might mar this delightful picture, the currency is to be fixed at the exact maximum of \$400,000,000. Between this amount and the minimum that would be needed in dull times there would be, like the tides, an eternal ebb and flow. If money happened to be too plentiful to command a fair rate of interest in the open market, then the government would kindly step in and pay such interest by issuing its bonds therefor. If scarce, then it would return this money to the needy holders of the bonds, and in this way speedily fill up the vacuum. The wind would always be tempered to the shorn lamb. Our currency would always be at par, always be flexible, — just enough and never too much; and, better than all, it would not, for the whole \$400,000,000, cost the country a penny, except the expense of turning the spit!

We are a great country! Our territories extend from the source of the Father of Waters to its mouth; from the cold of the frozen circle to the burning heats of the torrid zone; from

the Atlantic to the Pacific Ocean. On one shore, we salute the rising sun; on the other, we catch its latest beams. These boundaries embrace 3,603,884 square miles, — 300,000 miles more than the whole area of Europe. Within them is every product known to man; a wealth in the precious metals that figures cannot count; rivers that could their venue be changed would reach from the British Channel to the Sea of Okhotsk; lakes in which England itself would form hardly a respectable islet; waterfalls which would have shamed Greece and Rome in their palmiest days; mountains that make Ossa a wart; and a people, — the *Coming Race*! Will any one have the hardihood to say that the promises, to the amount of only \$400,000,000, without interest, and payable at a distant day, of such a people, backed by such illimitable resources, are not worth their face in paltry gold? Certainly it argues great presumption to differ from so many millions. Though silenced by the assembled wisdom of the past, Galileo muttered, “It still moves”; and we must be allowed to mutter our disbelief that something can be made out of nothing, or that a promise never to mature, and without interest, to pay gold, can ever be made equal in value to gold in hand.

The plan of Mr. Boutwell, late Secretary of the Treasury and now Senator in Congress, differs somewhat from that of Mr. Sherman. We prefer to let him state it in his own language.

“There are,” said Mr. Boutwell in his Annual Report for 1872, “two efficient and certain ways of placing the country in a condition where specie and paper will possess the same commercial value. By diminishing the amount of paper in circulation, the difference between the commercial value of paper and coin will diminish, and by pursuing this policy the difference will disappear altogether.

“All legislation limited in its operation to the paper issues of the banks and of the government, whether bearing interest or not, and which shall tend to diminish the market value of coin, will be found, on analysis, to contain a plan for contracting the value of paper currency, and all legislation so limited which does not contain such plan will prove ineffectual.

“Accepting this proposition, and believing that the country is not prepared to sustain the policy of contraction, it only remains for me

to consider the means by which the value of the currency may be improved.

"The basis of a policy of improvement must be found in a sturdy refusal to add to the paper in circulation until it is of the same value, substantially, as coin. This being accepted as the settled purpose of the country, there can be no permanent increase of the difference between paper and coin, and an opportunity will be given for the influence of natural causes tending on the whole to a better financial condition.

"We may count, first, among these the increase of population and its distribution over new fields of business. Secondly, in the South especially the number of persons having property and using and holding money will increase. Next, we may anticipate a more general use of paper in Texas and the Pacific States, by which, practically, for the rest of the country, the volume of the currency will be diminished and the quantity of coin increased, — two facts tending to produce an equality of value.

"The influences of these natural causes will be counteracted in some degree by the increasing facility for the transfer of money from one point to another, and the greater use of bank checks and certificates of deposit. The rapid transit of merchandise in bringing the period of consumption nearer to the time of production is another agency of the same sort. Giving to these views their full weight, I am prepared to say that the experience of the last three years coincides with the best judgment I can form, and warrants the opinion that, under the influence of existing natural causes, our financial condition will gradually improve. . . .

"I anticipate, also, that the burdens of assumption will rest upon the government. There are now more than nineteen hundred banks in the country, and I cannot imagine a condition of things so favorable for a period of years as will enable them at all times to redeem their notes in specie only. Without proceeding to the discussion of the subject in detail, I think all will have been gained of value when the treasury shall be prepared to pay the demand-notes of the government in coin, and the banks shall be prepared to pay their notes either in coin or in legal-tender notes; and then our good fortune will clearly appear in this, that our paper currency is not exclusively of national bank-notes, nor exclusively of United States notes."

It is unnecessary further to dwell upon the *absorption* theory which Mr. Boutwell, in common with so many distinguished statesmen and financiers, holds. Neither will our space allow

us to enter upon the new field he opens before us in his report, and discuss the existence or extent of those "counteracting influences to an equalization of currency and gold which exist in the increased facility for the transfers of money from one point to another; in the greater use of bank checks and certificates of deposit, and in the more rapid transit of merchandise, bringing the period of its consumption nearer to the time of its production." The extent of these "counteracting" influences, however potent they may be, can, fortunately, be easily tested by the enactment of a law which shall forbid altogether the use of checks and certificates of deposit, and which shall prohibit money to move from point to point at a rate more rapid than twenty miles, or merchandise at a more rapid rate than ten miles, each day. As no time should be lost in our present situation, we suggest that Mr. Boutwell, during the present Congress, bring in a bill with provisions which shall test the correctness of his views. If we do not fully coincide with him as to the existence or the extent of the "counteracting influences" urged by him as opposing the recovery of the country, we are most happy to concur with him in his opinion that "much will be gained when the Treasury shall be prepared to pay the demand-notes of the government in coin, and the banks shall be prepared to pay their notes entire, either in coin or legal-tender notes." But when such a happy day shall come, we do not now see the reason that we shall then have to rejoice "that our paper currency is not exclusively of national bank-notes, nor exclusively of United States notes."

Another mode of retiring the currency is that proposed by Mr. Sumner, and is what may be termed the *squeezing* process. It provides, to supply the means of retiring the plain legal-tenders, that the government shall issue compound-interest legal-tenders payable in three years; the interest, in gold, to be payable at their maturity. These notes when first issued will, it is assumed, go into circulation, and for a time take the place of the plain ones that have been retired. As the interest accrues they will gradually be taken out of circulation, and the currency retired in like ratio.

It is a sufficient objection to this plan that it covers only one half the ground. It seeks to retire our currency without any

steps for the creation of another in its place. Were Mr. Sumner's bill to become a law, the public would be indifferent till the pressure came, when it would be too late, in the disturbance and disorganization which would follow, to take any such steps; so that when the interest notes fell due, the country would be in a much more unfavorable position to enter upon the work of resumption than when they were issued. An inadequate attempt which is certain to end in disaster and defeat is much worse than none at all.

Such are three methods proposed for the resumption of payments. They are, however, the epitome of the whole, whose name is legion. The distinguished position of these gentlemen entitles us to consider their views as the most advanced thought yet reached in this country upon this subject. That they are utterly inadequate and futile has, we think, been fully shown. It is a subject the crust of which not a member of Congress or of the government seems to have penetrated. Even the history of other countries has been wholly neglected, — histories which, if properly studied, would have thrown abundant light upon our condition, and indicated the way out of the difficulties that surround us.

The precedent that comes nearest to our case is to be found in the financial experience of England. From the accession of the Stuart dynasty, the coins which had been roughly executed by the shears and hammer had, by constant "clipping," come to be reduced nearly one half in weight and value. As they still remained legal tender at their nominal value, they worked an evil so serious as to threaten the disorganization of society. A remedy was sought by milling the edges of the coins, by which clipping was in a great measure prevented. But no matter how fast the mint worked, or how fast the milled pieces came forth, the latter obstinately refused to go into circulation alongside the debased pieces. They were immediately melted down, or transported to other countries, so that no progress whatever was made in correcting an evil which had wellnigh become insupportable.

"The politicians of that age," says Macaulay, in his graphic picture of it, "marvelled exceedingly that everybody should be so perverse

as to use light money in preference to good money. In other words, they marvelled that nobody chose to pay twelve ounces of silver when ten ounces would serve the turn. The horse at the Tower still paced his rounds ; fresh wagon-loads of choice money still came forth from the mill ; and still it vanished as fast as it appeared. Great masses were melted down ; great masses were exported ; great masses were hoarded ; but scarcely one new piece was found in the till of the shop or in the leathern bag which the farmer carried home from the cattle-fair. In the receipts and payments of the exchequer the milled money did not exceed ten shillings in the hundred pounds. A writer of that age mentions the case of a merchant who in the sum of thirty-four pounds received only a single half-crown in milled silver.

“The evils produced by this state of the currency were not such as have generally been thought worthy to occupy a prominent place in history. Yet it may well be doubted whether all the misery which had been inflicted on the English nation in a quarter of a century by bad kings, bad ministers, bad Parliaments, and bad judges was equal to the misery caused in a single year by bad crowns and bad shillings. Those events which furnish the best themes for pathetic or indignant eloquence are not always those which most affect the happiness of the great body of the people. The misgovernment of Charles and James, gross as it had been, had not prevented the common business of life from going steadily and prosperously on. While the honor and independence of the state were sold to a foreign power, while chartered rights were invaded, while fundamental laws were violated, hundreds of thousands of quiet, honest, and industrious families labored and traded, ate their meals, and lay down to rest, in comfort and security. Whether Whigs or Tories, Protestants or Jesuits, were uppermost, the grazier drove his beasts to market, the grocer weighed out his currants, the draper measured out his broadcloth, the hum of buyers and sellers was as loud as ever in the towns ; the harvest-home was celebrated as joyously as ever in the hamlets, the cream overflowed the pails of Cheshire, the apple-juice foamed in the presses of Herefordshire, the piles of crockery glowed in the furnaces of the Trent, and the barrows of coal rolled fast along the timber railways of the Tyne. But when the great instrument of exchange became thoroughly deranged, all trade, all industry, were smitten as with a palsy.

“Since the Revolution the state of the currency had been repeatedly discussed in Parliament. In 1689 a committee of the Commons had been appointed to investigate the subject, but had

made no report. In 1690 another committee had reported that immense quantities of silver were carried out of the country by Jews, who, it was said, would do anything for profit. Schemes were formed for encouraging the importation and discouraging the exportation of the precious metals. One foolish bill after another was brought in and dropped. At length, in the beginning of the year 1695, the question assumed so serious an aspect that the houses applied themselves to it in earnest. The only practical result of their deliberations, however, was a new penal law, which, it was hoped, would prevent the clipping of the hammered coin and the melting and exporting of the milled coin. It was enacted that every person who informed against a clipper should be entitled to a reward of forty pounds; that every clipper who informed against two clippers should be entitled to a pardon; and that whoever should be found in possession of silver filings or parings should be burned in the cheek with a red-hot iron. Certain officers were employed to search for bullion. If bullion were found in a house or on board of a ship, the burden of proving that it had never been part of the money of the realm was thrown on the owner. If he failed in making out a satisfactory account of every ingot, he was liable to severe penalties. This act was, as might have been expected, altogether ineffective. During the following summer and autumn the coin went on dwindling, and the cry of distress from every county in the realm became louder and more piercing.

“But happily for England there were among her rulers some who clearly perceived that it was not by halters and branding-irons that her decaying industry and commerce could be restored to health. The state of the currency had during some time occupied the serious attention of four eminent men, closely connected by public and private ties. Two of them were politicians who had never, in the midst of official and parliamentary business, ceased to love and honor philosophy; and two were philosophers in whom habits of abstruse meditation had not impaired the homely good sense without which even genius is mischievous in politics. Never had there been an occasion which more urgently required both practical and speculative abilities; and never had the world seen the highest practical and the highest speculative abilities united in an alliance so close, so harmonious, and so honorable as that which bound Somers and Montague to Locke and Newton.

“In whatever way the restoration of the coin might be effected, great sacrifices must be made, either by the whole community or by a part of the community. And to call for such sacrifices at a time

when the nation was at war, and was already paying taxes such as ten years before no financier would have thought it possible to raise, was undoubtedly a course full of danger. Timorous politicians were for delay; but the deliberate conviction of the great Whig leaders was that something must be hazarded, or that everything was lost. Montague, in particular, is said to have expressed in strong language his determination to kill or cure! If, indeed, there had been any hope that the evil would merely continue to be what it was, it might have been wise to defer till the return of peace an experiment which must severely try the strength of the body politic. But the evil was one which daily made progress, almost visible to the eye. There might have been a recoinage in 1694 with half the risk which must be run in 1696, and great as would be the risk in 1696, that risk would be doubled if the recoinage were postponed till 1698.

“Those politicians whose voice was for delay gave less trouble than another set of politicians who were for a general and immediate recoinage, but who insisted that the new shilling should be worth only ninepence or ninepence halfpenny. At the head of this party was William Lowndes, Secretary of the Treasury, a most respectable and industrious public servant, but much more versed in the details of his office than in the higher parts of political philosophy. He was not in the least aware that a piece of metal with the king’s head on it was a commodity of which the price was governed by the same laws which govern the price of a piece of metal fashioned into a spoon or a buckle, and that it was no more in the power of Parliament to make the kingdom richer by calling a crown a pound than to make the kingdom larger by calling a furlong a mile. He seriously believed, incredible as it may seem, that if the ounce of silver were divided into seven shillings instead of five, foreign nations would sell us their wines and their silks for a smaller number of ounces. He had a considerable following, composed partly of dull men who really believed what he told them, and partly of shrewd men who were perfectly willing to be authorized by law to pay a hundred pounds with eighty. Had his arguments prevailed, the evils of a vast confiscation would have been added to all the other evils which afflicted the nation, public credit, still in its tender and sickly infancy, would have been destroyed, and there would have been much risk of a general mutiny of the fleet and army. Happily Lowndes was completely refuted by Locke in a paper drawn up for the use of Somers. Somers was delighted with this little treatise, and desired that it might be printed. It speedily became the text-book of all the most enlightened politicians in the kingdom, and may still be read with pleasure and profit.”

The plan for relief finally adopted provided that the money of the kingdom should be recoined according to the old standard of weight and fineness; that all the pieces should be "milled," and that the loss on the clipped pieces should be borne by the public. A time was fixed after which no clipped money should pass, except in payments to the government, and a later time after which no clipped money should be passed at all. To make up in part the loss on the clipped coins, the Bank of England undertook, on the security of the window-tax, to advance to the government £1,200,000. This advance afforded only partial relief. Full relief could only be had when the new currency should come in sufficient abundance to fill up the vacuum made by calling in the old.

"Saturday, the 2d of May, 1696," continued Mr. Macaulay, "had been fixed as the last day on which the clipped crowns, half-crowns, and shillings were to be received by tale in payment of taxes. The Exchequer was besieged from dawn till midnight by an immense multitude. It was necessary to call in the guards for the purpose of keeping order. On the following Monday began a cruel agony of a few months, which was destined to be succeeded by many years of almost unbroken prosperity.

"Most of the old silver had vanished. The new silver had scarcely made its appearance. About four millions sterling in ingots and hammered coin was lying in the vaults of the Exchequer; and the milled money as yet came forth very slowly from the mint. Alarmists predicted that the wealthiest and most enlightened kingdom in Europe would be reduced to the state of those barbarous societies in which a mat is bought with a hatchet, and a pair of moccasins with a piece of venison. There were, indeed, some hammered pieces which had escaped mutilation; and sixpences not clipped within the innermost ring were still current. This old money and the new money together made up a scanty stock of silver, which, with the help of gold, was to carry the nation through the summer. The manufacturers generally continued, though with extreme difficulty, to pay their workmen in coin. The upper classes seem to have lived to a great extent on credit. Even an opulent man seldom had the means of discharging the weekly bills of his baker and butcher. A promissory-note, however, subscribed by such a man, was readily taken in the district where his means and character were well known. The notes of the wealthy money-changers of Lombard Street circulated widely. The paper of the Bank of England did much service.

“The directors soon found it impossible to procure silver to meet every claim which was made on them in good faith. They then bethought them of a new expedient. They made a call of twenty per cent on the proprietors, and thus raised a sum which enabled them to give every applicant fifteen per cent in milled money on what was due to him. They returned him his bank-note, after making a minute upon it that part had been paid. A few notes thus marked are still preserved among the archives of the bank, as memorials of that terrible year. The paper of the corporation continued to circulate; but the value fluctuated violently from day to day, and indeed from hour to hour; for the public mind was in so excitable a state that the most absurd lie which a stock-jobber could invent sufficed to send the price up or down. At one time the discount was only six per cent, at another time twenty-four per cent. A ten-pound note, which had been taken in the morning as worth more than nine pounds, was often worth less than eight pounds before night.

“Meanwhile, strenuous exertions were making to hasten the recoinage. Since the Restoration, the mint had, like every other public establishment in the kingdom, been a nest of idlers and jobbers. The important office of warden, worth between six and seven hundred a year, had become a mere sinecure, and had been filled by a succession of fine gentlemen who were well known at the hazard-table at Whitehall, but who never condescended to come near the Tower. This office had just become vacant, and Montague had obtained it for Newton. The ability, the industry, and the strict uprightness of the great philosopher speedily produced a complete revolution throughout the department which was under his direction. He devoted himself to his task with an activity which left him no time to spare for those pursuits in which he had surpassed Archimedes and Galileo. Till the great work was completely done, he resisted firmly, and almost angrily, every attempt that was made by men of science, either here or on the Continent, to draw him away from his official duties. The old officers of the mint had thought it a great feat to coin silver to the amount of fifteen thousand pounds a week. When Montague talked of thirty or forty thousand, these men of form and precedent pronounced the thing impracticable. But the energy of the young Chancellor of the Exchequer and of his friend the warden accomplished far greater wonders. Soon nineteen mills were going at once in the Tower. As fast as men could be trained to the work in London, bands of them were sent off to other parts of the kingdom. Mints were established at Bristol, York, Exeter, Nor-

wich, and Chester. This arrangement was in the highest degree popular. The machinery and the workmen were welcomed to the new stations with the ringing of bells and the firing of guns. The weekly issue increased to sixty thousand pounds, to eighty thousand, to a hundred thousand, and at length to a hundred and twenty thousand. Yet even this issue, though great, not only beyond precedent, but beyond hope, was scanty when compared with the demands of the nation. Nor did all the newly stamped silver pass into circulation; for during the summer and autumn those politicians who were for raising the denomination of the coin were active and clamorous; and it was generally expected that, as soon as Parliament should reassemble, the standard would be lowered. Of course, no person who thought it probable that he should at a day not far distant be able to pay a debt of a pound with three crown pieces instead of four was willing to part with a crown piece till that day arrived. Most of the milled pieces were, therefore, hoarded. May, June, and July passed away without any perceptible increase in the quantity of good money. It was not till August that the keenest observer could discern the first faint signs of returning prosperity."

Great as was England's peril, it was nothing to our own. A few millions *sterling* measured the whole amount of her currency, and more than half the metal necessary for the new was supplied by the old. We have a currency of \$ 700,000,000, — all debt. How is the capital to take the place of this vast sum to be provided? Have we a Somers and a Montague, exalted statesmen, to unite with a Newton and a Locke, philosophers of immortal fame, to devise the way, and guide the nation safely and triumphantly through its great trial? Even if such men could be found, — and who can believe it possible? — can we hope for a government sufficiently enlightened, courageous, and stable to sustain them under the obloquy, clamor, and opposition that is sure to be encountered, and of the terrible distress which must be created in passing from the old condition to the new? In view of all these discouragements, does not the heart of every thoughtful man sink within him when he sees danger so imminent on one hand, with such ignorance, incompetency, and indifference on the other?

The first step toward reform is the education of the people. This work has to be begun at the alphabet. Upon this subject

the trapper at the sources of the Missouri is just as intelligent as are cabinet ministers, venerable senators, or merchant princes. The latter, in a solemn memorial just addressed by the New York Chamber of Commerce to Congress, have informed that august body that —

“We have reached (in the recent crisis) the verge of success in bringing gold and currency to par with each other; and it apparently needs only the announcement of the Secretary of the Treasury that legal-tenders will be paid in gold, at an early day, to annul the difference between them.

“When legal-tenders are made as good as gold, will the people be less tenacious of them than now? Is it not more improbable that they will leave the diversified channels of trade and flow into the Treasury for resumption, than it is that the blood will forsake our veins and remain in the heart? Are the people so ignorant of what concerns their welfare as to forget that all are embarked in a common cause, and that unity is essential to stability in our monetary system? If our people are rightly instructed by the press, and doubt and unbelief are not made to take the place of trust and hope, your memorialists are confident that the amount of gold required to perform the work of resumption is greatly overestimated, and that all calculations based upon the experience of small and thickly settled countries must necessarily be at fault.”

It is pleasant to witness such faith in human nature. It is a sentiment shared in by the good alone. But currency, it strikes us, is a question of science, not of morals. The worthy gentleman who drew the memorial makes — we beg his pardon, is competent to make — a good note. Let him make two, one for one hundred thousand dollars due in ninety days, with interest at seven per cent; the other for a like sum, without interest, and payable at his pleasure, and see which will go best. We are prepared to wager a thousand dollars to a cent that the former will be preferred, and shall think all the better of human nature for knowing the difference between substance and sham. Does not the same law apply to the obligations of government? Can it hope to make its notes without interest, and due at its pleasure, equal to notes with interest or capital in hand? If it can, then are we on the high road to unbounded prosperity. If not, then are we certainly on the high road to utter ruin.

The hardest lesson in the world to learn is, that cost and worth mean the same thing. Ever since the creation has man been devising some method to get round this law. For ages alchemy did its best, but failed to make the connection between wish and fruition. Mr. Chase's alchemy worked well up to a certain point. It gave the nation a plenty of "money made out of *debt*"; but as this came in floods, "money made out of *capital*" fled from us in like ratio, leaving a sort of underlying consciousness that we have, after all, grasped a shadow and lost the substance. Alchemy is again invoked to our aid, to invest this shadow with the attributes of reality. Mr. Sherman's alchemy is considerate and forbearing relations between the government and the governed; Mr. Boutwell's, a less rapid movement of merchandise and money; that of the Chamber of Commerce of New York, faith in human nature. These are the specifics of men in exalted positions. As we descend the scale every one in the line has his own, equally plausible, with alchemy of some sort as the groundwork of all.

One of the most common phrases used in the discussion of this subject is "credit currency." There may be such a currency; in fact, our own is such: but a credit currency never was, and never can be, a convertible one. It is impossible for government to issue a convertible currency, for the reason that governments never were, and never will be, organized for the purpose of lending capital. They will never have capital to lend. The only mode in which it can bring the currency it may issue to par is to accumulate sufficient means for its payment, — *payment and retirement to the last dollar*. There is no other way, and any attempt to find an easier one only serves to put off the day of reckoning and to aggravate the penalty that must certainly be paid.

Another phrase in still more common use is "the necessity of a flexible currency" to meet the demand caused by the moving of the crops toward the close of the year. We have already shown that, were we on a specie basis, no such want would be felt, as we should have two currencies, one of symbols, rising and falling in amount with the amount of merchandise, and the other of specie in the hands of the people, always available for any emergency, like a balance-wheel whose accu-

mulated power is always sufficient to carry the machinery over the dead point. Were an attempt made to render our present currency "flexible" by an extraordinary issue at certain periods of the year, the business of the country would immediately adapt itself to the increase, so that any attempt to reclaim it would be attended by precisely the same consequences that would now follow an attempt to take in, say \$50,000,000 of our legal-tender notes. Should an attempt be made to render the currency really flexible by retiring large quantities issued for this purpose, with the rapidity with which they were put into circulation, certain destruction, instead of the mitigated evil of an insufficient currency, would stare the nation in the face. Why cannot the government now retire its outstanding notes? Because the business of the country has adjusted itself to their present amount. It will be just as difficult, at any time, to retire an equal amount issued to render the currency "flexible." Flexibility could never by any possibility mean contraction, but always expansion. People never talk of having too much currency; it is always that they have too little.

It is in the nature of things that the greater the amount of a currency of debt, the more scarce, in common parlance, must money become. At the moment of its issue it appears to be plenty from the sudden disproportion of the instruments to the means of expenditure; but prices will rise so rapidly under the new stimulant that the equilibrium between the two will be speedily restored. So soon as this result is reached, the whole effect of the issue is lost. As it is debt, the community is impoverished in a degree equal to its amount. As prices, so long as it is outstanding, will not fall, the means of the great mass, which are always nearly stationary, will purchase only two thirds or three quarters of the accustomed amount. In their distress, they remember the pleasant sensation caused by the last tonic, and see no relief but in more of the same kind. The next issue brings less relief; but as it largely increases the disproportion of their means and their necessities, the cry of "scarce money" will become louder and louder, only to be satisfied by a new issue, like the inebriate, who only finds relief in the increased size and frequency of his cups.

Another delusion, almost universally shared in, is that our currency of debt approximates in value to gold as it approximates in price. The near approach of the two at any one time is purely accidental. This currency has been issued twelve years. It was the instrument for making a forced loan,—a “benevolence” from the people. A person who twelve years ago took and held six-per-cent United States bonds has, by compounding the interest, doubled his money. If, at the same time, he took and held, in place of a bond, a United States note, he has received not a penny from it. If he shall be compelled to hold the note for twelve years to come for payment, it would be worth its face, less interest for that time, or thirty-eight per cent of its par value. The value at any time of a United States note is par, less interest to the day of its maturity. But no one can tell when they will be paid. Their enforced use gives them at home a fictitious value. Their real value, however, is the same, whether they be at a discount of ten or of fifty per cent. Should government pass a law making them redeemable on the 1st day of January, 1884, their market value would then undoubtedly fall one half, as such declaration would go far to disclose their real nature,—debt without interest. The public having one element for the calculation would not be slow to supply the other, and the notes would soon come to be regarded as government bonds without interest, and would sell at their real value, plus the accidental attributes due to them as legal tender. Gold and debt are as wide apart as the poles, and the idea that they can be made identical by any process but by payment is too absurd to be entertained by any sane man. Gold will always have the value of gold, while debt may not be worth the paper on which it is written.

The greatest curse of our currency of legal-tender notes is this uncertainty as to their value. They are never due. For a period of twelve years no steps have been made toward retiring them. None may be taken for the next twelve. Gold to-day may be at one hundred and ten; no one would be surprised to see it at one hundred and twenty a month hence. For all purposes of trade and commerce, the value of the whole property of the nation has undergone a similar change. The

worst possible standard of values is the degree of faith which is attached to the securities of a government. There might be some sense in making a thirty-year United States six-per-cent bond legal tender, because its fluctuation in price would be very slight. Every one would know that such a bond meant semi-annual interest, and payment at its maturity. There would be something solid and tangible about it. But what is the value of a bond without interest payable at pleasure, — a bond which no one believes will be paid in the next ten years, and which may possibly never be paid? It defies all calculation. The more we speculate upon its value the more bewildered do we become, till at last there is no standard but a disordered imagination, surging with fearful violence till the patient becomes utterly exhausted, when the whole fabric of the currency falls in ruin to the ground.

Of one thing we may rest assured, that in all matters of currency we are dealing with natural laws which we can neither circumvent nor overturn. As our currency is false in principle, the time will come when our people will refuse to use it, in spite of statute-books, Fourth-of-July orations, or the size of our country. They will, in the end, select the best method in currency, as in the mechanic arts. The recent financial storm which has swept over the country is a warning which, unless speedily heeded, will be followed by others still more terrible, enfeebling and demoralizing our industries to such a degree that the reform will not come by payment but by repudiation. We by no means anticipate such an alternative. Our people will discover the seriousness of our present system and apply the remedies while they have the strength to carry themselves triumphantly through the crisis that awaits them.

The currency issued by the government now amounts to \$400,000,000. There is nothing behind this but the pittance in the Treasury, which should not be reduced. The means for its retirement, therefore, must be provided wholly by taxation. Unfortunately our revenues are falling off so rapidly that a considerable deficit is probable for 1874 and 1875. Any plan of reform, therefore, must be accompanied by increase of taxes in the very face of the difficulties and embarrassments that are

certain to arise the moment a reform of the currency is attempted. We have lost precious years of overflowing revenues. In the last four years \$383,627,783 of debt in the form of bonds has been retired. Could a portion of this vast sum have been accumulated as a reserve, we might by this time have been far on the way toward specie payments.

The banks have issued their notes to the amount of \$350,000,000. For their retirement they have about \$400,000,000 in government bonds, locked up in Washington. The payment of their bills receivable would retire their notes, but, under the present system, would leave them without any capital in hand but their reserved profits. Instead of being banks, they would be mere skeletons of banks. Any scheme for resumption, therefore, must involve a modification of our present system in all its essential features. As it stands it is the most cunning contrivance ever devised to render an issue of convertible currency impossible. The capital of our banks is now deposited in the public treasury, with a provision that it is to be used only to pay off their debts when they are in liquidation. One of the first steps toward resumption, therefore, must be to allow them to withdraw and use their bonds without the retirement of their notes, in order to provide the means not only for such retirement, but for providing capital to lend. But unfortunately these bonds could not at present, by sale in our own markets, procure such capital, for the very good reason that such capital does not exist. It is to be feared that their sale abroad, for the purpose of importing the means of resumption, would instantly array the whole commercial world against us, and precipitate the ruin already staring us in the face.

Should an attempt be made to retire one currency without the provision of another to take its place, we may be brought to a dead lock and be compelled "to exchange a mat for a hatchet, and a pair of moccasins for a piece of venison." Government, however, can supply no currency but coin to take the place of its notes; and this coin, unfortunately, will not enter into circulation till its notes are in a great measure retired, or till they cease to be legal tender. The currency to take their place as far as any vacuum remains to be filled must be wholly

supplied by banks, both State and national. To encourage their organization under State laws, the tax upon their notes should be immediately repealed. Their bonds, as fast as they can be realized upon, will give the national banks the means of supplying a convertible currency. These should be required to accumulate annually reserves in coin equalling at least ten per cent of their liabilities. Government should immediately begin the accumulation of similar reserves. It should also declare that its notes, at a certain day, should cease to be legal tender, except in contracts entered into up to that date.

Such provisions would add immediately and largely to the value of money, — of capital. To meet this increased demand, industry and economy would take the place of the idleness and extravagance which have so long prevailed. We have for a long series of years expended beyond our means. We must make up the loss by earning more than we spend. This single sentence states the whole method of resumption.

It is not important here to speculate upon the amount of coin necessary for us to possess as a basis of resumption. We shall ascertain the quantity after we have, for a sufficient length of time, been moving in the right direction. We may be able to learn something from other nations, although we shall probably continue to make greater use of a currency of symbols than any other. M. Victor Bonnet, an eminent French authority in matters of currency and finance, in an article in the *Revue des Deux Mondes* for November 1, states the amount of silver coin in circulation in France and in its mint to be \$300,000,000, while the coinage of this metal is going on at the rate of \$25,000,000 annually. The gold coin in circulation he estimates at \$800,000,000, making a total metallic currency, for that country, of \$1,100,000,000; and that, too, after the payment of the German indemnity of \$1,000,000,000! The bids for the loan of \$750,000,000 brought out in France in the summer of 1872 equalled \$8,000,000,000, a sum very nearly four times the amount of the public debt of the United States! These figures, for quality, match Niagara and the Mississippi, and should qualify our conceit a little, when our country and its resources are the theme.

M. Bonnet also states that the silver coin in circulation in Germany equals \$480,000,000, while its recent gold coinage (largely drawn from the French payment) amounts to \$296,000,000. In England the amount of coin in circulation outside of the Bank of England, which holds \$100,000,000, is estimated at \$500,000,000. We shall need at least an equal sum. The amount now held in this country, in all hands, cannot exceed \$150,000,000. We must accumulate, therefore, an additional sum of \$350,000,000 before we can safely attempt a final resumption. Our mines annually produce about \$60,000,000. Could their whole product be retained at home, we could be sure of the required amount in six years. We have for the last ten years exported \$52,604,278 over our imports.* This drain will be instantly stopped the moment the banks and the government commence, in earnest, the accumulation of adequate specie reserves.

It has been our purpose, however, in this article, to demonstrate the principles that lie at the foundation of all convertible currencies, and the falseness of our own, not to set out skillfully drawn plans and methods for reform. The right ones will present themselves fast enough after we have acquired the means of resumption. The acquisition of such means will perhaps be found the easiest part of the whole matter. The great difficulty in the way, and it is an almost insurmountable one, is to teach our people that any reform is needed; and secondly, that such reform is not to be gained by magic or sleight of hand, but by genuine hard work. It is astonishing

* The imports and exports of coin and bullion into and from the United States for the past ten years has been as follows:—

Years.	Imports.	Exports.
1863, ...	\$ 9,584,105	\$ 55,993,561
1864, ...	13,115,612	100,321,731
1865, ...	9,810,072	64,618,124
1866, ...	10,700,092	82,643,374
1867, ...	22,070,475	54,976,196
1868, ...	14,188,368	84,197,920
1869, ...	19,807,876	42,915,966
1870, ...	26,419,179	43,883,802
1871, ...	21,270,024	84,403,359
1872, ...	13,743,689	72,798,240
	\$ 160,709,492	\$ 686,752,273

to see a nation utterly lost to sense and reason and incapable of making distinctions which in other matters would be obvious to the commonest understanding. But a currency of debt is the cup of Circe, — a cup

" Which those who taste
(For most do taste through fond intemperate thirst)
Become so perfect in their misery
As not perceive their foul disfigurement,
But boast themselves more comely than before,
And all their friends and native home forget,
To roll with pleasure in a sensual sty."

HENRY V. POOR.

BROOKLINE, MASS., December 1, 1873.

ART. V. — *Sex in Education ; or, A Fair Chance for the Girls.*

By EDWARD H. CLARKE, M. D., Member of the Massachusetts Medical Society ; Fellow of the American Academy of Arts and Sciences ; late Professor of Materia Medica in Harvard College, etc., etc. Boston : James R. Osgood and Company. 1873.

IN this small volume Dr. Clarke takes up the discussion of one of the many important questions of the present day, the education of women, bringing to its treatment the result of considerable experience and that frankness of speech warranted by his position, which, although demanded for the full comprehension of the subject, has often been lacking in the writings of others upon this matter. For the proper consideration of sex in education it is necessary that there should be unreserved mention of certain phenomena which modesty bids should be generally ignored ; but so long as reticence tends to allow the spread of harm, we should gladly welcome any plain words that may help to reduce the suffering that arises from ignorance. Dr. Clarke discusses a delicate subject, but, in general, only with what bluntness is required ; in one or two places, however, the earnestness with which he denounces what he considers impending evils runs away with him, and the reader cannot help shrinking somewhat at his perhaps overdrawn description of the woman of the future.

But this is a trifling matter ; of the book as a whole, the tone is excellent ; more than that, the lesson it is intended to convey is one of the utmost importance, and the book cannot fail to do good ; but we cannot help thinking that it would do more good, if we could have had from such an authority a full account of the prophylactic measures to be taken with regard to the health of our daughters, in addition to the warnings, useful as they are in many cases, which the book contains.

In the beginning of his essay, Dr. Clarke states some physiological facts, which we need not repeat here, giving a brief and intelligible account of some of the peculiarities of the female constitution ; he goes on to urge that during the years of change from girlhood to womanhood, great caution should be exercised with regard to the amount of study demanded of the growing girl, for whom he recommends a system of rest at regular intervals, so that her brain need not be overworked at a time when there are unusual claims on the constitution, and that thereby such regularity of function be established as may secure a comfortable and healthy womanhood. For the support of his theories he brings forward a small number of selected cases from his note-book, such as every physician is familiar with in his practice, of women who, by gross disregard of hygienic laws, ruined or enfeebled their health.

That American women fade early is a matter of common observation ; but that American women are so well educated that even a rigid following of the maxim *Post hoc, ergo propter hoc*, can ascribe the many cases of impaired health to over-study is not so patent. If we examine the variations from what would be recommended as obedience to the commands of physiology in the conduct of young girls, we find errors in dress, diet, and mode of life with regard to society and exercise, due to the carelessness and ignorance of both daughters and mothers. That young girls should be denied the use of books, and left to their own frivolity and to greater idleness, would be, in our opinion, a lamentable result of Dr. Clarke's book, but one which it is to be feared will follow from what seems to us the undue stress laid upon the dangers of the employment of the mind on intellectual subjects. What Dr. Clarke says about the harm that may be caused by excessive

brain-work is perfectly true, and true of men as well as of women. But it can only be said of the most excessive work, and to forbid well-regulated, moderate study from fear of such extreme consequences is no wiser than it would be to denounce all care of the health for the sake of avoiding valetudinarianism. Once in a great while we hear of a man who by long-continued application to intellectual work has, to all intents and purposes, emasculated himself; he is as unfit to be a father as an equally overworked woman would be to become a mother; the harm is as bad in one case as in the other; but still we do not feel inclined to close our colleges, nor to warn ambitious youths against the deleterious influence of abstruse studies.

That there are delicate girls who often show more zeal for their lessons than their hardier brothers is very true, and to recommend the same course of study for both would be as unadvisable as to send them both out of doors to take the same amount of exercise every day in the year; such girls need to be treated with great care; their over-ambition may be one symptom of an unhealthy nervous condition, and the physician needs all his tact to determine the amount of brain-work they are to be allowed. But the same care is needed if his patient be a boy who is troubled, for example, with curvature of the spine. Ill health in any form demands particular care that no part of the body should be overtaken, and parents should be cautioned against allowing delicate children of either sex to injure their health by poring over books, as well as by sitting in draughts when over-heated, or by wearing insufficient clothing.

The general effect of education we cannot help thinking is undoubtedly good, and for girls quite as much as for boys. In the first place, it is absolutely indispensable, if women are at all anxious to adapt themselves for what is demanded of them by men who seek to make companions of their wives, and by their own wishes to be able to understand what is going on about them. To resist the demand that women are making for education is a hopeless task; but the opposition is doing good work by defining, modifying, and improving the claims that continually present themselves with renewed force. It

is, of course, to be desired that the best methods of educating women be put in practice, and Dr. Clarke strikes with proper severity at some objectionable sides of education, which we shall discuss further on ; but so far as his book has a tendency to throw a doubt on the advantages of study for women, we think it demands correction. For, secondly, study, if properly supervised, that excess may be avoided, gives occupation to the mind at the time of its unfolding, when the young girl's curiosity is aroused, when she ceases to take an interest in childish things, and when, if worthy objects do not claim her attention, she is likely to devote it to things unworthy. At that time she learns with extraordinary facility, which, it is very true, is prone to tempt her to undue exertion ; but so long as a teacher has the best interests of her pupil at heart, that may be easily controlled,—at least, that would seem the proper course to be followed, rather than the forbidding of all study. The facility she shows, and which is generally so much greater than that of her brother, who very often does not begin fairly to work for some years later, often not until he is busy with professional study, is to be found connected with her greater interest in her studies. If at this time she be taken away from school, it is very difficult for her to do satisfactory work without proper instruction,—we all know the listless way in which girls read history together,—and she is only too ready to transfer her interest from books to fashion-plates, from reading to dancing, from solid improvement to flimsy joys. It is at a very critical age that custom demands that a girl be taken away from school, and when, as is almost universally the case, she is hurried into society, where she goes to half a dozen balls a week, where she meets young men, dances with them in heated rooms to the sound of fascinating music, resting in unobserved corners, talking heaven knows what nonsense to these same youths, we have here a course of conduct which would seem to demand severer reprobation than do a quiet home life, regular hours, plenty of sleep, and the active mind employed on truly humanizing occupations, which have at least the one healthy physiological effect, that of making the student forget herself. It is impossible to shut a girl up in a dark room with no employment for four years, and it would seem

to be self-evident that it were better to find such occupation as notoriously distracts the mind from undue reflection on distinctions of sex,—a subject of thought always liable to do harm, and never more than at so susceptible an age,—than to let one's daughter run riot amid those pleasures which make this especially prominent, with the social ceremonies we have described above, with perpetual twittering about so-called "beaux," and very possibly careless, indiscriminate reading. There is no need of immuring a girl away from the society of men, but there is a difference between freedom and license. Every physician knows the calming influence that intellectual work exercises over those who feel themselves too sensitive to the temptations of the world, and we cannot help recommending some serious occupation of that sort to girls during the critical years of their early womanhood, as best worthy of their attention, and, properly managed, most likely to save them from subsequent suffering. While a physician's experience tends naturally enough to make him look at all mankind, and more especially all womankind, as victims of disease, the fortunately large number of healthy men and women is not to be forgotten; and while they should all take warning, they should not all suffer for the errors of their brothers and sisters.

With what Dr. Clarke says about identical coeducation, we agree most heartily. On page 123, he speaks as follows:—

"Let us look for a moment at what identical coeducation is. The law has, or had, a maxim, that a man and his wife are one, and that the one is a man. Modern American education has a maxim that boys' schools and girls' schools are one, and that the one is the boys' school. Schools have been arranged, accordingly, to meet the requirements of the masculine organization. Studies have been selected that experience has proved to be appropriate to his physical development. His school and college life, his methods of study, recitations, exercises, and recreations, are ordered upon the supposition that, barring disease or infirmity, punctual attendance upon the hours of recitation, and upon all other duties in their season and order, may be required of him continuously, in spite of ennui, inclement weather, or fatigue; that there is no week in the month, or day in the week, or hour in the day, when it is a physical necessity

to relieve him from standing or from studying, from physical effort or mental labor; that the chapel bell may safely call him to morning prayer from New Year to Christmas, with the assurance that, if the going does not add to his stock of piety, it will not diminish his stock of health; that he may be sent to the gymnasium and the examination-hall, to the theatres of physical and intellectual display, at any time; in short, that he develops health and strength, blood and nerve, intellect and life, by a regular, uninterrupted, and sustained course of work. And all this is justified by experience and physiology."

After this model girls' schools have been arranged, and it is further sought to have the two sexes educated together on the principle which has been found of use for boys, but which, it is feared, and apparently with reason, will be found impracticable for girls. It is found that while with boys there is the uniform capacity for intellectual work, the same does not hold true of girls, many of whom require, while none would be the worse for, a periodical remission of their studies. This is an important fact which it is not usual to bring up in the discussion of the subject; but it is not fair for those who are hostile to Dr. Clarke's views of the matter to treat it as if it were no longer of any weight, because generally ignored. Girls who did not follow this regimen would, under the impulse of ambition, run great risk of injuring their health very seriously; those who did would be embarrassed by falling behind in their studies. At the end of a year they would probably be as far advanced as the boys, or perhaps even further; but they would always be exposed to the temptation of doing work when they should be resting in order to keep on an equality with the boys, who were not impeded by any such periodical disturbance. As Dr. Clarke says:—

"The inherent difficulty in the experiment of special and appropriate coeducation is the difficulty of adjusting, in the same institution, the methods of instruction to the physiological needs of each sex; to the persistent type of one and the periodical type of the other; to the demand for a margin in metamorphosis of tissue, beyond what study causes, for a general growth in one sex, and for a larger margin in the other sex, that shall permit not only general growth, but also the construction of the reproductive apparatus."

The importance of Dr. Clarke's views on the subject of the
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coeducation of the sexes can hardly be overestimated. The whole subject is one that is just at present receiving a great deal of attention, and his contribution is most timely. He speaks *ex cathedra*, and his words demand respectful consideration, especially from those friends of female education whose ardor at having identical coeducation attacked would seem rather to indicate anxiety to maintain a conspicuous theory than an earnest desire to establish the best possible plan in behalf of women. We are friends of the cause of women's education, but we consider it of the utmost importance that the testimony of physicians, as well as of teachers, should be taken with regard to the best methods to be adopted. It is no wonder that women repine at the few opportunities for study offered them, when we reflect how many chances are given their brothers; and it is very natural that they should stretch out their hands for the only thing they see which they want, that is to say, for the same means as their brothers enjoy; but those who are anxious to adapt what is the masculine method for the greater convenience of women do not deserve to be denounced as traitors to the cause. We fancy that most of the medical profession will be found to side with Dr. Clarke, some, probably, out of sheer conservatism, but many from convictions forced upon them by experience.

We agree thoroughly, as we have said, with this part of Dr. Clarke's book, and commend it to the serious attention of parents and teachers; and the criticisms that we have made are rather on what is left unsaid on the subject than on any inaccuracies which we have believed ourselves to have detected. The impression we have received from reading the volume is, that too much is laid to the score of overstudy. In one or two brief passages the author refers to other causes, but all the weight of his blame falls on excessive education. In this way we think the book may fail of having a good influence, both by the chance of a girl's study being stopped when it might be advantageous, and by other more harmful habits being followed, because they are not denounced forcibly enough by the author. The disposition of the blame seems disproportionate; overstudy may, and probably does, do harm, but we fancy that its amount is trifling in comparison with that wrought by

some other excesses, which fashion favors, and which parents would do well to consider.

Errors in diet, and, more especially, errors in dress, are old stories. Girls who come into the house worn out by the weight of a dress hanging from their hips know, at any rate, that it renders them unable to walk far without excessive fatigue, even if they are unaware of the more serious consequences which may follow their obedience to fashion. The would-be reformers of women's clothing, with their wild visions of dresses no longer than a ballet-girl's skirts, are unable to appreciate the unwillingness of women to adopt a costume so singular as the tasteless abominations devised, even with the best motives and after the most approved hygienic principles, by those who refuse to bow to the tyranny of conventionality. But if clothing is to be constructed so as not to do harm to the wearer, the reform will have to begin with the dress-makers. All exoteric plans of dress, however convenient for sawing wood and holding the baby at the same time, are as ineffectual as ridicule and sumptuary laws. It is too much to ask of a modest girl that she make herself conspicuous by a dress unlike that of her companions, simply for the sake of teaching other women how to dress on right principles. She may use her cunning to keep near the fashion without doing herself harm, but she will never take all the steps needed for a thorough emancipation from the prevailing custom. She may assent to everything that is said about it in the parlor, but the reformed dress she will not put on her back until it, too, is in the fashion. It is not so much, however, of this almost threadbare subject that we wished to speak, as of some more active causes of harm which lie more completely within the parents' control.

Perhaps the most efficient cause of the early decay, or certainly one of the most efficient, is the manner in which almost every girl before she is completely grown up is allowed to go into society. As we have said, she is taken out of school, where her mind has been occupied with subjects that could hardly fail to strengthen her character, to adapt her for meeting the really serious part of life, and plunged into a very giddy whirl of pleasure. This is a subject which demands plain speaking, and we beg to be acquitted of unworthy

motives if we say that, however unconscious the girl herself may be of the consequences, however pure her mind may still remain, it is almost impossible for her to spend her evenings dancing in a young man's arms, supported by the excitement of the music, the crowd, the general bustle, and listening to what to the novice is not yet the trite language of compliment, without the awakening of the senses in a manner innocent enough in itself, but certainly disadvantageous to the health of a growing girl, who mentally exaggerates the importance of all she sees with the quick sensibilities of her age, and who physically cannot fail to suffer from the reaction from such excitement. If this is continued night after night, without the repose which might be introduced by some higher interest crowding the petty personalities from the mind, is it any wonder that, after a few months of such a life, girls grow pale, languid, and hysterical? In no civilized country of the world do girls enter society so early as is customary in America. This is a much more notorious fact than the superiority of female education in this country, and one which, in our opinion, demands the sternest condemnation. And when it is added that every physician knows cases of girls who are really physically unable to go to a party, but who yet rise from their beds to dress for it, and go to it, kept up by the excitement, one need not wonder at the many pitiable cases of invalidism of which one so often hears. A girl who has been properly trained about her health, who knows more of the world than does a chit of seventeen, who has grown to healthy womanhood away from such dangerous excitement, is able to enter society, appreciate it at its proper worth, and derive healthy enjoyment from it; but for young, unformed girls it is likely to be harmful.

Still, even going to a party, unadvisable as it often is, is very possibly less deleterious than staying at home to read harmful books,—French novels, for instance. A young girl whose reading is not supervised by older and wiser persons will be very likely to take naturally, not to maliciously wicked books, but to love-stories, which are forever harping on different complications of passion, filling the reader's head—especially when there is no higher interest to counterbalance them—

with all sorts of ideas, not necessarily harmful of themselves, but at the best frivolous. It is not desirable that the young, and especially young girls, who have not the diversity of interests that occupy young men, should be allowed to give themselves up to the fascinations of that sort of literature, which arouses the imagination, and turns the mind towards nothing but the consideration of the emotional side of life. This is not only true of novels, but also, to a considerable extent, of poetry; and any one who is interested in the matter, and will look over the shelves of any circulating library, from which very many girls are allowed to take any books they please, without any control, except that of their unformed taste, will find little except novels, chosen rather for their newness than from any literary merit, and which are vastly more likely to do harm than any manual of history, grammar, or mathematics against which the note of warning is raised. The harm that they do is by the excitement their interest arouses. The fictitious heroes and heroines usurp the place that should be filled by the living, and the reaction from this excitement is very sure to have an injurious effect on growing girls, whose bodies are extremely sensitive to mental influences. It is this fact which renders study, when intelligently conducted, a safer occupation than ordinary reading. Discipline is better than license, especially at the time of life when habits are forming which are to establish either physical and moral well-being or the contrary. The responsiveness of the body to the condition of the mind should not be forgotten by parents and educators. While it is true of men and women, it is more especially true of growing girls at the time when they need the closest care, but when, too, they are most anxious to resist parental authority, and when they are most subservient to the laws of conventionality, especially to those established by their contemporaries.

Undue attention to study is a very common cause of neglect of exercise, which is another harmful agent. But while this is true of study, the same may be said of society with its excitements and consequent languor. A girl who has danced all night is averse to taking a long walk the next day. She is averse to anything save rest, as is also the case even with

her hardier brother. Men cannot follow a reckless course of even the comparatively harmless gayety of parties, without being incapacitated for brain-work the next day; students at college find it impossible to give proper attention to their studies and enter society at the same time, without overexertion; and girls who wear themselves out with dancing are as unable to read as they are to walk. But if exercise is neglected the body grows feeble, and the train is laid for all sorts of suffering. In our climate, with its three or four months of torrid heat and its four or five months of fierce cold and angry wind, it requires a great deal of energy on the part of any one to go out simply to get fresh air. In England, perhaps the most fortunate part of the world in this respect, there is hardly a day of the year when one is prevented from going out; but with us it is very different, in a climate like that of New England, for instance, with 100° and —20° F. not infrequent extremes. When to this is added the fact that our climate is very stimulating, and so induces almost every one to undertake more work than can be fairly accomplished, without feeling at the time the need of repose, it will be seen that the early decay of American women cannot be justly ascribed to over-study alone; and that, the external circumstances being so inauspicious, it is doubly our duty to take measures against the dangers introduced by them, instead of conforming to our present practices, which are not only at variance with those of the rest of the world, and mischievous of themselves, but also rendered even more harmful by the peculiarities of the climate. But if girls could be made to brave the manifold horrors of the weather, there is no doubt that they would be healthier. Houses with lofty stairs, hot furnaces, all the last new novels, and plenty of parties, are not good nurseries for girls. More country life, and plenty, though not too much, of fresh air, would bring better results. It will not be found to be easy of execution, but health will be the consequence. It would seem as if our climate had wrought more change in this secondary way, by impeding exercise, than by its direct effect on the body in causing leanness through the dryness of the air.

The last chapter of the essay, called "The European Way," is very well worth reading. Dr. Clarke gives us, from trust-

worthy authority, an account of the way in which German girls are watched during the tender years of growth. Study is not neglected; it is not generally carried on at school, but it goes on "at home, by means of lectures or private arrangements. These, of course, are not as inflexible as the rigid rules of a technical school, and admit of easy adjustment to the periodical demands of the female constitution." Another important difference is, that society is not allowed to exercise a disturbing influence. The mother, too, has more thorough control over her daughter, and has no hesitation about exercising it at those times when a young girl's ignorance might lead her into imprudence. With us the whole relation between parent and child is unlike what exists in Europe, and inexperienced girls, unaccustomed to restraint, are very likely to mistake for maternal cruelty what is really only just precaution. But if mothers who are seeking for instruction about one of the heaviest of their responsibilities will consider in the light of their own experience the advice given by Dr. Clarke, they cannot fail to find their task made easier. He had in view in writing his book more especially the evil effects of a single cause of harm, and hence what he has to say applies almost entirely to that branch of the discussion alone; and we trust that this little volume may serve to show those who are forcing girls on to excessive study the risk they are running of seriously undermining their pupils' health. If overstudy is made a scapegoat for all sorts of errors, and girls are forbidden all books that train the mind, and are sent off to parties, having nothing but calls and novels to help amuse their idle time, the chances of general improvement in the health of women seem as far off as ever. But if mothers will remember that study, wisely directed, is one of the best employments of their daughters' minds which can possibly be found, that it is the best means in the world of counteracting the frivolities of society, that without it a woman, however charming to the eye, is but half fitted to be the companion of an educated man, or fitly to understand her own position in life, they will be the readier to find that the causes of the early fading of their daughters lie much more in the excesses of society than in those of study. Dr. Clarke's book, it is to be hoped, will bring about some re-

form in school-rooms, but the work of reform should not rest there; and we hope that popular feeling will not content itself with that half-way measure, when so much more crying evils, which it is the fashion to approve of or to condemn only in silence, demand immediate setting to rights. Some of these we have endeavored to point out in the preceding pages.

ART. VI. — *Un po' più di Luce sugli Eventi Politici e Militari dell' Anno 1866.* Pel GENERALE ALFONSO LA MARMORA. Firenze: G. Barbèra, Editore. 1873.

THE German nation at present occupies so strong a position that the investigation of the real cause which brought about that result necessarily attracts the attention of the careful student of history. In logic, the *post hoc, ergo propter hoc*, argument is not considered to be of great value. Yet, when the question is, to extract from history the real connection of events, men are too apt to look at the mere outward concatenation, or apparent sequence, and to regard as the natural outcome of a clever policy, or even as the development of a deep-laid plan, that which in truth is the very opposite of such policy, and would never have occurred had the original maxim continued to be adhered to.

The history of Germany since 1866 has furnished a striking example of two distinct political principles, adverse to each other, having been applied in quick succession, each time with a remarkable result, and therefore being regarded by many superficial observers as "practically the same thing." I allude to the exclusively *dynastic* principle which effected the aggrandizement of Prussia, in 1866, at the expense of Germany; and to the *national* principle which saved Germany in 1870, in spite of the estrangement that had been created by royal Prussian policy between the South and the North.

The wily cabinet policy of a mere dynastic aggrandizement is a policy from which Germany, for centuries past, has suffered much shame, as well as great loss in territory, freedom, and

power. It is a policy which throve on the reprehensible idea of national disruption. The national principle, on the contrary, which has once more struck deep root in the bosom of the German people, quickly healed, in 1870-71, the frightful wound and gash that had been inflicted upon the body politic. Had the right royal deeds of 1866 been brought to their logical consequence and conclusion, had the German nation not risen above the false situation which was created within Germany by the attack King William had made upon his Federal allies, with the collusion of Imperial France, Germany might once more, in 1870, have been plunged into misery and disgrace. As it was, the patriotic spirit undid the evil work of dynastic statecraft.

To-day we can openly acknowledge whatever bravery has been shown in a time of public danger, whether by men born in a hut, a citizen's dwelling, or a palace. But historical truth and simple logic compel us not to acknowledge the very statecraft which had brought Germany once more to the verge of disunion, as the originator of a national movement which was so truly grand because, for the sake of the Fatherland, no account was taken of internecine feuds that had rent the country only a few years before.

Any one reading the history of Prussian rulers will find that, for nearly two centuries, theirs has been a policy of self-seeking ambition which largely contributed to the gradual disintegration of the ancient German Empire. Like other German princes, they aspired to exchange their original part as provincial governors within the Empire for the position of sovereign monarchs. The destruction of whatever political unity the German nation still possessed was consequently their continual aim. All they cared for was the enlargement of their own dominions, even if it could only be obtained by a treacherous alliance with foreign foes. Many German courts have sinned in this way. Those of Bavaria and Prussia were perhaps the worst among them,—the house of Bavaria in the South, because it was the rival of Austria; the house of Brandenburg in the North, because it aimed at supremacy on the right bank of the river Main.

Even a great warrior like Frederick II. of Prussia did not

shrink from approaching France with *an offer of the whole left bank of the Rhine*, in order to obtain the French alliance for his own ambitious schemes within, that is, against, Germany. There is a state memoir of his extant to that effect. Emile de Girardin, before 1870, republished it as a proof of the claims which he said France had to the Rhinelands, and as evidence of what might be expected from a Prussian monarch if a proper pressure were put upon him. It is true, the irony of events so willed it that Frederick II. himself had afterwards occasion to give the enemies of Germany a taste of his strategical qualities at the battle of Rossbach. But the fact of his having been ready to obtain an aggrandizement for himself by surrendering the left bank of the Rhine to the French remains to his dishonor. And that historian would not be a safe guide who would suppress so characteristic a fact, or who would omit to state that the result of the policy of Frederick, even triumphant as that policy for a time was, finally came out in the overthrow of the German Empire, that is, of Austria and Prussia, — *l'un après l'autre*, in Napoleon's sarcastic phrase.

The "League of Princes" (*Fürstenbund*), as founded by Frederick II., was but the forerunner of the "Rhenish League" which Napoleon I. established. Upon the Prussian court rests the main responsibility for the miseries which befell Germany in the beginning of this century. Prussia stood aloof from the common defence for fully ten years. By the Treaty of Basel she drew her famous "line of demarcation." She even promised the foreign foe to keep all Northern Germany — if necessary, by force — within the same system of neutrality. At Jena the reward was paid for such unpatriotic conduct. In a single battle, the Prussian Kingdom was overthrown, and the dynasty presently driven to the confines of the Muscovite Empire.

The "Holy Alliance" followed, — a league of monarchs in the interest of European security against a revival of French ambition; but a league of monarchs at the same time against the spirit and the institutions of liberty, even in its most moderate form. Nevertheless, though bound to a policy similar to that which the house of Hapsburg pursued, the Prussian court did not, under the system of the Holy Alliance, give up its

game of rivalry against Austria. It would, however, be an error to suppose that this rivalry took the form of a desire to replace Austria in the leadership of the German nation. The house of Hapsburg had for centuries held the imperial crown of Germany. When compelled to lay it down in 1806, owing to the defection of German princes and the great triumphs of Napoleon, the court of Vienna, for the first time in history, comprised its own immediate dominions under the title of a *Kaiserthum*, or empire; and when France was afterwards vanquished, and a Confederacy was substituted for the old Imperial Constitution of Germany, Austria, in virtue of her former position, assumed the permanent office of President within this German Federal League, or *Bund*.

On her part, Prussia, albeit now and then feebly seeking to obtain an alternation of the Presidential office between Austria and herself, mainly aimed at the division, the entire disruption, of Germany, — the states south of the Main to be ruled over by the Hapsburgs, those north of the Main to be placed under Hohenzollern supremacy. Such was the Prussian scheme. There is a Prussian state memoir extant of the year 1822, in which this idea is put forth with a clearness and uncompromising sharpness amounting to cynicism.* The memoir lays it down as a maxim that Prussia, in common with Austria, has to make use of the existing Federal mechanism for the sake of combating the representative constitutional system of the minor states (*das repräsentativ-demokratische System zu bekämpfen*); but at the same time Prussia is to aim at a final separation from Austria and a disruption of Germany (*eine Trennung Preussens von Oesterreich und eine Spaltung Deutschlands*).

To break up the German nation was the object of royal Prussian policy. It was considered to be the necessary step for the aggrandizement of the house of Hohenzollern. And lest the rival house of Hapsburg, which commanded over so many non-German territories (Hungary, Galicia, Lombardy, and Venice), should, after all, still turn out to be too powerful a rival of Prussia, it was thought at Berlin that it would be

* See Welcker's *Wichtige Urkunden für den Rechtszustand der deutschen Nation*. Mannheim. 1845.

good policy to keep up very friendly relations with Bavaria as well as with Baden. This idea of setting up Bavaria against Austria in the South, and of cultivating a Baden connection, we again meet with in the secret negotiations which preceded, and in the events which followed, the war of 1866. In order fully to characterize the remarkable state memoir of 1822, we have yet to add that it gave instructions how a class of journalists were to be used for writing up Prussia as the "model state," running down the Constitutionalism of Southern Germany, and "exciting the national vanity and point *d'honneur* of the Germans" against the Liberal Constitution-
alists "by describing these latter as the agents and instruments of a rival foreign nation!" Truly a policy worthy of Don Basilio!

The events of 1848 struck a mighty blow at all this artificial Machiavelism. It would be too long here to detail how it came about that in March, 1849, by the snap vote of a majority of *four*, the revival of a German Empire was decreed in the National Assembly at Frankfort, one half of whose members were of a more or less pronounced democratic creed,—an Assembly which in its totality had some ten months before proclaimed the principle of the sovereignty of the people. On this revival of an Empire being decreed, the crown of Germany was offered to Frederick William IV. of Prussia, who, however, refused it, because — to quote his haughty words — he would not take a tinsel diadem which was "bespattered with the blood and the mire of the Revolution."

A feeble attempt at dividing Germany between Prussian and Austrian influence ensued, after the victory of Reaction, in 1850; but the final result was the restoration of the *Deutsche Bund* under the presidency of Austria. Things changed, however, when, King Frederick William's reason having entirely given way, his brother assumed the Regency and practically began to exercise the functions of a monarch. Very soon after that event, we see Herr von Bismarck striding upon the scene, bringing with him his programme of "blood and iron," not for the object of founding a united Germany, but for that of enlarging Prussia, "who," he said, "was not able to carry any longer on her slender body the accustomed heavy armor."

It need not be stated here again that Herr von Bismarck had, in days gone by, been one of the fiercest members of the *Junker* party, or feudalist squirearchy; that in 1850 he had expressed a wish to see all great towns swept from the face of the earth, as the only means of destroying the hot-beds of revolt; and that, during the parliamentary struggles between 1862 and 1866, he was wont to treat the representatives of the people more cavalierly than had been done even in the days of Strafford and Charles I. I pass over all this, and come to the secret negotiations which preceded the war of 1866. On this subject, revelations have been made recently which have created considerable excitement and surprise in Italy, as well as in Germany and France, coming as they do from no less a personage than General La Marmora, who in 1864-1866 occupied the position of Minister for Foreign Affairs and President of the Council of King Victor Emanuel, and fully authenticated as they are by the original confidential despatches and telegrams.

A breach of diplomatic etiquette more flagrant than that which General La Marmora has committed by this publication it would perhaps be difficult to imagine. None of those concerned have, however, ventured to deny the authenticity of the documents themselves, or to make any attempt at explaining away, or mitigating, the statements contained in them. The fact is, General La Marmora, so far from letting out the whole secret, only gave a first instalment, suppressing here and there something which even he may have thought to be too compromising. It was, however, announced that a second volume would follow; and those more immediately concerned were glad enough, by preserving a judicious silence on the contents of the first, to obtain a promise from the Italian statesman that he would refrain from a continuation.

The object La Marmora had in publishing these highly important state documents may here be set aside as irrelevant. The documents do not lose in importance from the fact of the Italian general and statesman having been actuated by petty or reprehensible motives. If the papers he has brought to light show anything clearly, it is this, that royal Prussian policy was the same in 1866 as it had been in times past, when

its open and secret moves had entailed the greatest perils upon the German nation.

It was in summer, 1865, that Herr von Usedom, the Prussian envoy at Florence, made the first overtures to General La Marmora, in the name of Herr von Bismarck, for a war to be undertaken in common against Austria, with the connivance, as it soon came out in the subsequent negotiations, of the Emperor of the French. In November of the same year, Bismarck finally settled the plan, as General La Marmora indicates, with Louis Napoleon personally at Biarritz. In March, 1866, General Govone went as special military envoy to Berlin, in order to concert measures. In his first report from Berlin, dated March 14, 1866, Govone wrote that Count Bismarck intended bringing about the conflict "in three or four months." A few days afterwards, a draft of a treaty of alliance between the Prussian and Italian governments was drawn up in three articles. Article I. provided that Prussia would exert herself to promote a "German reform" so as to bring about a conflict between Prussia and Austria, in which case Italy, after having received due communication, would declare war against Austria and her allies. Article II. said that Prussia and Italy would employ all the force which "Divine Providence" had placed in their hands, in order to make their cause triumph; and neither of the two powers would lay down arms, or sign any peace or armistice, without the consent of the other. Article III. declared that such consent could not be withheld if Austria had obtained the Lombardo-Venetian kingdom, and Prussia an Austrian territory equivalent to that kingdom.

It was the endeavor of Count Bismarck to make Italy, if possible, first declare war against Austria, so as to force the hand of King William, who showed much hesitation and occasional backsliding, both on account of the dangerous character of the venture into which he was to be drawn, and on account of the "dark" attitude of Louis Napoleon, who seemed to aim at the annexation of the whole left bank of the Rhine. The Prussian minister, on his part, was ready to make a large territorial concession to France, and not only wished to see the Italian troops coming up to Vienna, there to meet the

Prussian army, but also expressed a desire to have the Italian war fleet in the German Ocean, as a protection against the Austrian navy. La Marmora, however, was unwilling to go so far as to engage Italy to a declaration of war, unless it were preceded by a similar declaration on the part of Prussia. After many discussions and suggestions on this point, the treaty offensive and defensive was signed on April 8, 1866.

It was understood from the beginning that the annexation of Venice to the Italian Kingdom would be the prize of an alliance with Prussia in case of success. There are many Italians who aim also at the annexation of Trieste and of the southern part of the Tyrol. General La Marmora, at any rate, did not coincide with this view so far as Trieste is concerned. He saw that, though Italian is the language of the majority of the inhabitants of that city, there is a strong admixture of the German and Slavonian element, and that the possession of Trieste would be rather a source of danger and weakness than of strength to the Italian nation. Trieste has been for many centuries an integral portion, not simply of the Austrian dominions, but of the German Empire, and later of the German Confederacy which replaced that Empire after its dissolution. The territory immediately abutting on the city of Trieste is inhabited by a mixed German and Slavonian population. By its own free will Trieste joined its fate to that of Germany; and though the Italian propaganda has been very active of late in that town, its commercial interests rather point to the German than to the Italian connection. It may even be said that the junction of Trieste to Italy would, to all appearances, be the commercial ruin of Venice. On their part, the Germans tenaciously cling to their ancient possession of Trieste, which is for them the only outlet into the Adriatic. All these reasons combined may have influenced the Italian Premier, who showed no desire to get up a "Triestine question."

It was different with regard to the Southern Tyrol, or the "Trentino," as the Italians call it. "I believe it necessary," General La Marmora telegraphed to Barral, on March 28, "to comprise also the Trentino, or upper valley of the Adige, in the territory which Austria would have to cede to us, as

being within the natural limits of Italy." Now, Southern Tyrol, which has formed part of the German Empire and Confederation for the last three hundred years, is well known to be, in a military sense, the key to Southern Germany. The Italians naturally attach, therefore, great importance to its possession. The Germans, who know what use the French could make of that door of ingress in case of a war in which the Italians would be either the willing or the forced allies of France, were always disinclined to see the frontier altered on that point. This disinclination is much strengthened by the attitude of the German Tyrolese, who object, in the interest of their own immediate security, to a disintegration of the Tyrol. Now, as the German Tyrolese are a very warlike race, famous for their bravery and their skill in handling the *statzen*, it would have been a dangerous procedure to alienate them by an attempt at breaking up their country into two national fragments.

Count Bismarck, however, was ready to give up the Trentino, though he would not say so at once in the Treaty of Alliance with Italy. "Mr. Bismarck told me that, the Trentino being a portion of the German Confederacy, it was impossible to stipulate beforehand its cession to Italy; but that which could not be done *before the war could perfectly be accomplished during or after the war*, especially by addressing an appeal to the populations." (Barral's telegram of March 30.) La Marmora, in publishing these telegrams now, adds in words of injured innocence: "Among the many accusations which were thrown at me after the war of 1866, there was also that of my having disavowed the Trentino. Now this telegram of Barral, and mine of the 28th, show what basis that accusation had."

This affair of Southern Tyrol is mentioned also incidentally in a highly important communication from Chevalier Nigra, written in reply to a letter of La Marmora. Nigra often had interviews with Count Goltz, the Prussian representative at Paris. The following gives an idea of the aims and objects of the Prussian government at that time. It will serve to correct the notion of a "United Germany" having, from the very beginning, been the leading principle of Count Bismarck. Nigra writes:—

"The idea of Prussia is, not to restrict the results of the war to the annexation of the Duchies (of Schleswig-Holstein), but to constitute a *Northern Germany under the leadership of Prussia*. Prussia would like to have Bavaria, also, for her ally; and overtures in that sense have been made at Munich. If Bavaria were to enter into these views, she would, in case of a happy issue of the war, enrich herself with a portion of the Austrian spoils; as, for instance, with the German part of the Tyrol. In this way a sufficiently strong power would be established in Southern Germany *to exercise there a hegemony, to the detriment of Austria.*"

The letter goes on : —

"As you see, the ideas of the Cabinet at Berlin would tend to nothing less than to a fundamental change of the political constitution of Germany. Count Goltz came here with this project, and with the mandate of expounding it to the Emperor, asking, at the same time, that France should adopt a benevolent neutrality. But as the French government had on several occasions declared that, in case one of the German powers were to aggrandize itself in a manner which would change the European equilibrium, France would reserve to herself the right of looking to her own interests, Count Goltz was instructed to ask the Emperor what would be the desires of France in such a case. The Prussian ambassador fulfilled his instructions and asked the Emperor to formulate propositions. The Emperor did not state any precise demand. He only said that it would be possible to examine on the map *the difference which exists between the present frontier of France and the one she had in 1814.*" . . .

Here La Marmora stops in his quotation with reference to the French wishes for an alteration of frontiers. The points indicate that something is left untold. We see from this remarkable communication of the Italian envoy at Paris that the Prussian government, at that time, wished to aggrandize itself by breaking up Germany altogether. Not only was Austria to be diminished in territory, even in territory hitherto belonging to the German Confederation, as well as ousted from all political connection with the remainder of Germany, but Bavaria, whose rulers had for centuries played a treasonable part towards the common Fatherland by siding with the French, was to be erected into a power sufficiently strong to exercise a leading influence in the South, to the detriment of Austria, though not

sufficiently strong to withstand the allurements of France, which would henceforth have become more pressing than ever. We shall see in the sequence that the Bavarian Palatinate, according to the Prussian plan, was to be handed over to France. Thus, whilst Bavaria would have "enriched herself" on this side of the Rhine, Germany — if that name could under such circumstances at all be still used — would have become correspondingly weaker on its western frontier. However, the Bavarian government did not accept the Prussian overtures.

This idea of creating a Northern Germany under the leadership of Prussia, and a Southern power by the enlargement of Bavaria, whilst both Italy and France would obtain some spoils of the defunct German Confederacy, is again to be found in a letter of the Italian special envoy at Berlin, General Govone, dated April 6. Govone relates a conversation he had on the previous day with Bismarck. "He (Bismarck) calculated that more than 100,000 men could be made available by Prussia from the Rhenish provinces. . . . Those 100,000 men or more would march through Bavaria, and after having made short work there (*dopo di averla spazzata*), would effect a diversion on Linz in the direction of Vienna, and join hands there with the Italian army. He then added that, if Bavaria united herself to Prussia, a mass of 150,000 men would become disposable for such diversion, which he considered more profitable to the operations of the main army operating against Bohemia or in Silesia than the junction of the two Rhenish army corps to the main army. In regard to Bavaria, Count Bismarck told me still that she could have been *the nucleus of a second German realm*. Southern Germany was not convenient for Prussia, both on account of the difference of religion, and because it was difficult to govern from Berlin the provinces of the South which would have been *the Calabria of Prussia*."

The italics used for the words "the Calabria of Prussia" are those of General La Marmora or of Govone. The reader will observe the points put after the words, "more than 100,000 men could be made available by Prussia from the Rhenish provinces. . . ." It was stated at the time that Prussia would not only withdraw all her troops from the Rhenish provinces, but even take away her fortress guns and other material of which

she could not make any use for the coming campaign. The object of this strange procedure was said to be, to give a pledge to France that the indemnification agreed upon would be duly handed over to her after the success of the Prussian arms. And in fact, Govone's letter ends with these words, which in *La Marmora's* book also appear in italics: "When I took leave, Count Bismarck added, '*All this, be it well understood, if France wills it; if she were afterwards to show any disinclination, nothing could be done.*'"

On May 4 we get a glimpse of the danger which threatened Germany, not only with the loss of the line of the Moselle, to sacrifice which, as we shall afterwards see, Count Bismarck was fully ready, but even with the loss of the whole left bank of the Rhine. "The decree for the mobilization of 150,000 men," Barral telegraphs from Berlin, "has been signed by the King, and already been despatched. Bismarck thinks that the complete mobilization is retarded by the mysterious attitude of Napoleon, whose intentions it has until now been impossible to penetrate, and who might perhaps, *in the midst of the struggle, suddenly ask for the whole (left) bank of the Rhine.*" In other words, the King of Prussia, apprehensive of such a result of the war, was still loath to push matters to the extreme. On his part, Bismarck, disregarding all possible consequences, and having made up his mind to grant to France an "indemnification," which would vary in size according to circumstances, strove with might and main, straining every nerve to bring about a conflict from which the King would not be able to withdraw. It will be seen afterwards that Count Bismarck was even ready to conclude, in case of need, an armed alliance with France for the purpose of making French troops take part in the internecine German war. In such a case, of course, it would have been necessary to concede to France the line of the Rhine.

On May 6, Barral mentions rumors of negotiations which were said to have been entered into between France and Austria, in order to detach Italy from the Prussian alliance, — "negotiations which it is said went as far as an offer of the line of the Rhine to France." Barral adds: "To the observation which I made to him (Bismarck) on the danger of such

an offer on the part of a German power, Bismarck replied to me by a shrug of the shoulder, indicating most clearly that, in an emergency, he himself would not be loath to employ this means of aggrandizement."

On May 7 a sudden hitch occurred in the action of the Prussian government. Whereas, a few days before, in *La Marmora's* words, "everything pointed to war" (*tutto accennava guerra*), it required, after May 7, some time before the political machinery of the Prussian Premier was once more in working order.

No proof is advanced of the Austrian government having made any offers to France in the way of aggrandizement; and it appears from the statements of Barral and Govone that the two Italian envoys were rather incredulous on that point. They objected that Austria, whose intention it must have been to stand well with the German Confederation, could not possibly sacrifice Federal territory without cutting the ground from under her own feet. The rumors which attributed such conduct to Austria could not be traced to any other source than Bismarck's personal assertion. In his memorandum, Govone also repeats that the Prussian minister was clearly ready to go himself as far as the cession of the Rhine frontier. It may be of interest to note here that it was in those very days — on May 6 — that Louis Napoleon pronounced his famous speech at Auxerre, in which he said that he "detested the treaties of 1815." This declaration showed pretty plainly that the French Emperor must have been sure of obtaining a territorial increase in the direction of Germany. However, after May 7 a hitch is also observable in French policy. The convocation of a congress now became Louis Napoleon's favorite idea. To what extent he thought he had already become the arbiter of Germany, in consequence of the estrangement between Prussia and Austria, may be seen from a telegram of Nigra, dated May 11. It runs thus: —

"The French government proposes a congress for three questions, namely, Venetia, Schleswig, and the reform of the German Confederation. The ideas of the Emperor would be: the cession of Venetia to Italy; of Silesia to Austria. Prussia would receive the Duchies (of Schleswig-Holstein), and some German principalities convenient

for her. *On the Rhine three or four small duchies would be established, forming part of the German Confederacy, BUT UNDER THE PROTECTION OF FRANCE.* The German princes who are dispossessed by Prussia would go to the Danubian Principalities."

The evil under which Germany had so long suffered — her division into a medley mass of small states — was, therefore, to be cured by the establishment of additional small states, to be formed out of the Prussian Rhinelands, and to be placed under the protection of France! The French Empire, in other words, was, in a slightly circuitous way, to become an influential member of the German Bund, in addition to the protectorate already exercised by France in Italy by her occupation of Rome! The congress destined to elaborate this fine project was, in the opinion of Louis Napoleon, of course, to assemble at Paris, — the "capital of the world," as that city is called by Frenchmen of various parties.

From a long memorandum, dated May 22, which Govone addressed from Berlin to General La Marmora, it appears that the Italian envoy's mission partly consisted in finding out to what extent Prussia would be ready to go, under certain circumstances, in the way of a territorial indemnification for France. It seems that the "mysterious attitude" which Louis Napoleon had latterly assumed, added to other causes of alarm, had shaken Count Bismarck's influence to a considerable degree, and that, unable to carry his peculiar indemnification views at court, he now wished to hold out to Louis Napoleon some other object of territorial indemnification. In the detailed report of the conversation he had on that point with Govone, there is again a blank, indicated by points. From the context one is driven to conclude that Belgium was meant.

The report adds that —

"Count Bismarck listened to everything, without showing any astonishment. He replied that, in a critical moment, *after a defeat*, it would be easy to make such propositions (of transferring German territory), and such concessions to France *in order to obtain her armed help*; but that it was rather difficult to make public opinion yield to the cession of German territory without the justification of an urgent necessity."

Both Govone in his report and La Marmora in the remarks

he adds to it, acknowledge that "*on the very eve of the war there was no enthusiasm in Prussia in favor of that war, neither among the populations, nor even, what is more, among the army.*"

On May 31, Nigra writes from Paris: —

"Bismarck appears fully decided to *grant to France the territory comprised between the Mosel and the Rhine, in compensation of an armed co-operation of France.* I have learned this in a confidential but perfectly certain manner. I will tell you the rest here. This combination would be the most useful for us, because in this way the victory would be sure, the war short, and French intervention would take place in Germany, and not in Italy. The dignity (*amor proprio*) of our army, and, I will say, of the country as well, would thus remain intact."

From Govone's report, dated Berlin, June 3, we see that, with a view to the contemplated aggrandizement of France, French agents had visited the German provinces on the left bank of the Rhine, in order to see whether it would be possible to get up, some day, a *plébiscite* in favor of France. Their uniform report was, that no vote of that kind could be obtained, except an utterly fictitious one. (*Gli stessi agenti francesi che percorsero il paese per conoscere le disposizioni riferirono tutti che nessuna votazione, la quale non fosse affatto fittizia, potrebbe riuscire.*) It was Count Bismarck himself who said so to Govone. The Prussian minister observed, moreover: "None of those (Rhenish) populations love their own government or their reigning dynasty; but all are, and wish to remain, German." On Govone's pressing the matter further, and asking whether some line of demarcation could not be found which would be acceptable to France, Count Bismarck delivered himself of the following remarkable words: —

"Yes; that would be the line of the Mosel. I am (he added) far less a German than a Prussian; and I would feel no difficulty in signing the cession, to France, of the whole country comprised between the Rhine and the Mosel, that is, *the Bavarian Palatinate, Oldenburg, a portion of the Prussian territory, and so forth.* The King, however, ... would have very great scruples, and could only be brought to it in a supreme moment, when he would be on the point either of losing all or of gaining all. At any rate, in order to work upon the King's mind in favor of some adjustment of frontiers in regard to

France, it would be necessary to know the minimum limit of French demands. For, if the whole left bank of the Rhine, Mainz, Coblenz, Köln, were in question, it would be better to come to an agreement with Austria, and to renounce to the Duchies (of Schleswig-Holstein) and to many other things."

Remarkable as these revelations appear, they do not yet, by any means, reveal the whole truth. The writer of the present article has been able, from sources he is not at liberty to disclose, to state already in May, 1866, in the most positive manner, that which now, for the first time, is published as a diplomatic document by the Italian statesman who played so important a part in those secret diplomatic negotiations. Perhaps, before touching on this point more fully, I may be allowed here to prove that it was possible to obtain a correct insight into the forthcoming policy of the present ruler of Prussia even at a time when he was yet only a Regent, and when the real aims of his government were altogether shrouded in mystery — at least, for the public at large.

The appointment of Prince William as Regent, in 1858, was hailed, it will be remembered, as a hopeful event for the cause of liberal institutions in Germany. Even so thoroughgoing a man, and one so little inclined to put his trust in princes, as Johann Jacoby, at that time expected great things from the so-called "new era." The pamphlet he wrote under this erroneous impression reads strangely enough by the light of his later profession of faith and his subsequent political conduct. Yet, before even the appointment of Prince William as Regent had been formally decreed, I was able to make in the English press the following statement: —

"One of the first governmental acts of Prince William will be the reorganization of the army in the royalist sense, to the detriment of the Landwehr; and this with the object of creating the instrument for the later arbitrary rule of the Crown. The Prince, having this aim in view, will call in an apparently Liberal ministry, deceive thereby public opinion, probably obtain a fulfilment of his demands, and then, when success has so far been accomplished, turn once more against Liberalism, in order to introduce an absolutist system."

The history of the Constitutional struggle between 1860 and 1866 has, no doubt, fully borne out this statement.

Again, after the interview between the Prussian Regent and Louis Napoleon at Baden-Baden, in 1860, I published the following in the German, English, and American press : —

“At Baden-Baden, it was agreed, at the desire of Louis Napoleon, that Herr von Bismarck should go as ambassador to Paris. To the Napoleonic government this politician appears a *persona grata*. To him, as well as to another statesmen (Herr von Usedom), the idea of an aggrandizement of Prussia, with a corresponding cession of territory to France and Russia, is attributed ; and at Paris he is fully to be initiated into the Bonapartist policy, in order afterwards to be transplanted to the position of Premier at Berlin. Negotiations might then be carried on, in fact, over the head of the Prussian ruler, until matters would have become more mature. Prince William, filled as he is with an old royalist pride, is supposed to entertain some doubts and to have some hesitation as to the advisability of entering upon certain schemes in which he would virtually appear as a tool of Napoleonism, thus exposing himself to grave dangers from German patriots. Such doubts, it is assumed, do not exist in the mind of Herr von Bismarck. According to the plan which Napoleon and Bismarck would carry out, an overthrow of the Prussian Constitution would be effected ; then a sham approval of this reactionary act would have to be obtained from the people by means of a well-manipulated *suffrage universel* ; and thereupon an attack would be made upon other German states, in order to aggrandize Prussia. An indemnification for France would be in connection therewith ; the negotiations on this point form, however, an undoubted difficulty in presence of the well-known temper of the German nation.”

Herr von Bismarck went as ambassador to Paris, and was afterwards transferred to the post of Premier at Berlin. Herr von Usedom, as may be seen from *La Marmora's* book, played also an important part in the events of 1866 ; a far more important one even, as I know from documents which have come to my hand, than the book of the Italian statesman seems to indicate. King William, according to the revelations in *Un po' più di Luce*, was with considerable difficulty led on to the policy of his minister. A large part of *La Marmora's* book is, in fact, filled with the recital of the many backslidings of the King and the ever-renewed moves of his active and pushing Premier. Again, though a formal *coup d'état*, such as the

above quotation foreshadowed, was not effected against the Prussian Constitution, its provisions were utterly disregarded, its guaranties destroyed piecemeal, and a budgetless administration carried on for several years. The attack against the German Confederacy, and the aggrandizement of Prussia, were then accomplished. As to the indemnification for France, the extracts from the despatches of the Italian envoys at Berlin and Paris decisively show that the Prussian Premier was ready to make such a cession, but that the difficulty was with the King and the German nation.

In May, 1866, before the war had begun, and when most men thought that a war would not, after all, take place, I published in the *Neue Freie Presse* of Vienna a communication which ran thus:—

“The French government will, in the coming war, maintain an armed neutrality, placing bodies of troops in the vicinity of the Rhinelands and in the neighborhood of Nice, which are destined to watch the military events in Germany and Italy.

“On the part of Prussia, the promise has been held out by Count Bismarck, that after the war a piece of Luxemburg, a strip of Prussian territory near Saarbrücken, and another strip in the Bavarian Palatinate, shall be ceded.

“A war council held a few days ago at Paris, under the presidency of Louis Napoleon, has decided that, on the outbreak of war, the Italian army is to begin its operations by an attack upon Verona.”

I added:—

“If the French government orders the Italian army to make the siege of Verona the chief object of its campaign, we may be sure that Louis Napoleon wishes to prevent a popular war of liberation, and that his intention is rather to inflict upon Italy the greatest possible sacrifices in blood for a comparatively small object. Such an arrangement would permit him to intervene, after a certain time, as mediator; his own military forces remaining in the mean while intact. He would then be in a position to stay the hands of all the contending parties, and to put forth his own conditions.”

France did remain neutral, keeping her forces in reserve. The Italian army began its operations by an attack on the Quadrilateral, — contrary, as *La Marmora's* book shows from documentary evidence, to the desire of the Prussian strate-

gists. The opinion of the French Emperor was for Italy evidently tantamount to an order that had to be executed. Again, in August, 1866, Louis Napoleon literally made the demand for that indemnification which had been specially detailed in the communication above alluded to, and which the writer of the present article had been in a position to publish even before the outbreak of the war. Napoleon then asked for the "frontiers of 1814"; that is, for a strip of Prussian territory near Saarbrücken, and for another strip in the Bavarian Palatinate.

As regards Luxemburg, this cession was to be effected by a separate convention with Holland. It will be remembered that the Prussian Premier, disregarding the fact of Luxemburg's forming an integral part of Germany, declared in full Parliament at Berlin that "Luxemburg belonged to Holland, and that the King of Holland might dispose of it at his pleasure." This declaration, utterly at variance with German history, law, and national rights, was made for the purpose of facilitating the transfer of Luxemburg to France, in accordance with the secret stipulations of which the work of *La Marmora* gives us a glimpse. Public spirit in Germany was sufficiently aroused to prevent the accomplishment of that design. Yet Luxemburg, that old German country, whose German population formed part of the Empire and of the Bund, and in which, since 1815, a German dynasty ruled on a title separate from that under which it ruled in the Netherlands, was in the end disconnected from Germany, and thereby placed within reach of France, though not actually given up to her. Even the war of 1870-71 did not effect its reunion to Germany, but at all events removed the immediate danger of an annexation to France. The value of Luxemburg to France—and hence, in an even higher degree, to Germany—may be gathered from the fact of French generals having declared already at the end of the last century, when comparatively small armies were kept, that "the possession of Luxemburg was equal to the saving of a French army of fifty thousand men."

The diplomatic document published by *La Marmora* on the readiness of Count Bismarck to cede the "line of the Mosel" has created considerable astonishment in Germany. I, on my

part, would have been astonished if a passage of some such kind had not been contained in the history of the secret negotiations which preceded the war of 1866.

From the work before us we further see that Count Bismarck was ready to give aid and support, not only to the Hungarian, but also to the Slavonian movement in Austria, as a means of crushing that power. The Hungarian movement, in the sense of the establishment of a mainly Magyar commonwealth, with reformed parliamentary institutions, and rights of political equality granted to the various component races of the Hungarian realm, coincides with the best interests of progress and civilization, as well as of European security against the encroaching policy of despotic Prussia. Liberal Germans of all shades, therefore, ought to sympathize with such Hungarian aspirations.

It is different with regard to the so-called Slavonian movement. That movement aims at the disruption of Hungary, as well as at the conversion of German provinces into an integral part of a fantastic "Great Prussian Confederacy," in which the White Czar would be the only substantial power. Hence German Liberals, Republicans, and Conservatives are alike opposed to that Pan-Slavonian scheme. Count Bismarck, however, was ready to diminish Germany on that side, too, as may be seen from Count Usedom's communication, dated Florence, June 12, in which it is stated that the Prussian Premier is willing to give one million and a half of francs for the Hungarian "and Slavonian" movement, "if the Italian government will charge itself with the payment of a similar sum." The Italian Premier had, however, no inclination to embark in such a venture. And he thinks now that "facts have proved him right." "It is a fact known to all," he writes in his book, "with what enthusiasm (*con quale ardore*) the Hungarian officers and soldiers fought against us at Custoza, and how badly the Hungarian generals, who penetrated into Hungary from the Prussian side, were received by their own countrymen. This shows how entirely truthful the contents of a letter were which I received from the Minister Venosta, who had traversed Hungary, and who wrote to me from Constantinople that Hungary was far more disposed to

reconciliation than to a revolutionary rising, and that the emigrants had no influence there." *

The Slavonian movement, which all far-seeing, truly patriotic, and liberal Hungarians, whether of the Constitutionalist or the Republican creed, utterly discountenance, and which, in its aim upon Bohemia and Moravia, is a danger to Germany herself, was nevertheless encouraged by Count Bismarck. It is within my knowledge that a well-known Slavonian agitator, who for some time resided at Berlin, received, prior to and after the war of 1866, his subvention from the Prussian government. It is a fact, moreover, that, on the campaign in Bohemia being begun, a Prussian general issued an order of the day, in which the "restoration of the glorious kingdom of Bohemia and Moravia" (*die Wiederherstellung des ruhmreichen Königreichs Böhmen und Mähren*) was formally promised. That proclamation was sown broadcast through Bohemia and the adjoining territories.

The rival German power had to be put down. To effect this, all means at hand were to be used, even those which would have inflicted everlasting injury upon the German nation. In the famous Usedom despatch it was plainly stated that "a thrust was to be made at the very heart of Austria" (*frappé au cœur*), and that the Prussian and Italian armies were therefore to meet at Vienna. The Slavonians even, the Czechs in Bohemia and Moravia, the Croats and other semi-barbarous tribes, were asked to rise and to set up independent realms on the confines, nay, within the very pale, of what had hitherto been the territory of the German nation.

* La Marmora communicates two letters addressed to him by General Klapka and by Louis Kossuth. Klapka's letter, in which he offers his services, is comparatively short and simple. That of Kossuth endeavors to make out that the aid given or withheld by Hungary would decide the issue of the war, — an opinion which events have proved to be extremely incorrect. Three times Kossuth says, "We are not revolutionists." He, the former member of the Central European Democratic Committee, rejects with scorn the "wild ideas and impetuous theories of the innovators and so-called regenerators of our age," declares himself "*sincerely monarchical*," and speaks of the Hungarians as "*my people*," of the Hungarian generals of 1849 as "*my generals*." A Hungarian committee, in connection with Kossuth, demanded, as preliminary guaranties to be given by Prussia and Italy, the recognition of the Hungarian provisional government and of the monarch that would be elected in Hungary, as well as the guaranty of a loan "as soon as that monarch could ask for it."

Thus Count Bismarck, had matters depended on him alone, would have given to France the line of the Moselle, — in an extreme case, even more, — in order to secure the armed intervention of the French in Germany; to Italy, besides her natural Venetian share, also Southern Tyrol; to the pro-Russian propagandists, Bohemia and Moravia. To Denmark, at the bidding of Louis Napoleon, some districts in Northern Schleswig were assigned, even after the triumph of Prussia, by Article V. of the Treaty of Prague, — a stipulation which has created much ill-blood in Germany. Luxemburg was, moreover, detached from Germany. Austria was ejected from the Confederacy; the smaller states of Southern Germany were only kept in some connection with the North by means of military conventions, all political bonds between them being cut asunder.

It may be useful here to remind the reader of the circular of the French Minister for Foreign Affairs, Monsieur de Lavalette, which was issued after the war of 1866, and in which the following passage occurs: "The least difficulty which we might have had (when the German Confederacy was yet in existence) with *Holland*, or with Prussia on the *Mosel*, or with Germany on the *Rhine*, or with Austria in the *Tyrol* or in *Friaul*, would have brought the united armed forces of the Bund into the field to oppose us." But since Austria was ejected from the Confederacy, and Germany had been cut up into three parts, this danger was considered to have passed away, according to the opinion then held by Monsieur de Lavalette. A glance at the words of his circular which I have put in italics will show again that the transfer of Luxemburg, (regarded as a part of Holland!) of the line of the Moselle — consequently of all Rhenish territory south of that river — to France, and the annexation of Southern Tyrol to Italy, had been clauses of a secret, though only verbal, pact.

A series of letters in the *Journal des Débats* which appeared at that time, and which acquired importance from the fact of that journal having for some time served as a channel for conveying Parisian government information to the French public, also distinctly asserted the existence of such negotiations for a transfer of German territory to the Napoleonic Empire. It

was added that the King showed some disinclination to give a formally binding promise. Count Bismarck, who continued giving assurances, declared in written notes that the aggrandizement of Prussia out of German territory would benefit France also in another respect, seeing that the result would be an assimilation of the political institutions of Northern Germany to those of the French Empire! In other words, imperialism or Cæsarism was to be promoted; and thus the existing spectacle, or dangerous example, of constitutional struggles, carried on until then at Berlin by an active parliamentary opposition, was to be done away, and to be removed from the eyesight of eagerly interested and somewhat jealous Frenchmen.

THE DISRUPTION OF GERMANY for the sake of the enlargement of Prussia, and the promotion of POLITICAL REACTION, was consequently the aim of Count Bismarck. Had the disregard he showed in 1866 for the integrity and cohesion of the common Fatherland been acted upon in a similar manner by the Southern Germans, France would have stood a great chance of carrying her project; for even the mere neutrality of Bavaria, Wurtemberg, Baden, and Hesse would have emboldened the anti-German camarilla at Vienna to make a move upon Prussia, whilst Denmark, in such an event, would have drawn the sword for the recovery of the Duchies, and the Italian court might have been induced to side with the French Empire. This, in fact, was the plan upon which Louis Napoleon's move was based. All those who possessed authentic information on the subject are well aware that the train of powder was, so far, cleverly laid. Only it did not ignite, in the sense in which Louis Napoleon expected it, at the main point, that is, in Southern Germany.

The writer of this article was informed from an excellent source, in June, 1866, of all the preparations which had been concerted between the French government and certain Danish leaders at Copenhagen, with the object of forcing the King of Denmark into an armed alliance with France, if need be, by a tumultuous popular demonstration to be made under his palace windows, whilst a French fleet was to appear before Copenhagen. It is also within my knowledge that, in

the first days of the war of 1870, there was great danger of King Victor Emanuel declaring for France. Negotiations between German patriots of various political denominations and the Italian Party of Action, as led by Mazzini, were therefore entered upon. The victories of Weissenburg, Wörth, and Forbach, as well as the arrest of Mazzini in Sicily, suddenly brought these negotiations to an end, all danger having in the mean while passed away. I can testify to these facts from full personal knowledge.

In the late war, the German national spirit, as opposed to a crafty, self-seeking, dynastic policy, proved the safeguard of the Fatherland. It was the same spirit of national unity and popular freedom which had fired the noblest hearts during our War of Independence against the first Napoleon, and during our Revolution of 1848 - 49. So fervent was that spirit in 1870, in spite of the outward estrangement brought about by the attack of Prussia against the German Confederacy, that in a trice the previous feud was forgotten or set aside, and nothing was thought of but the country's welfare. The cause of nationality and of liberalism has been the gainer. It would, however, be idle to deny that Germany has still a heavy task before her. If she will thoroughly heal the wounds inflicted upon her by princely policy for centuries past, if she will attain a complete union, as well as institutions embodying the principle of real self-government, she must forever discard the procedures and practices which were employed so late as 1866, and seek her safety in the principles that were enthusiastically acclaimed twenty-five years ago, and a remembrance of which flashed up, like an electric spark, in the grand national rising of 1870.

KARL BLIND.

ART. VII.—CRITICAL NOTICES.

1. — *The History of the Norman Conquest of England, its Causes and its Results.* By EDWARD A. FREEMAN, M. A., Hon. D. C. L., late Fellow of Trinity College, Oxford. Revised American Edition. Oxford. At the Clarendon Press for Macmillan & Co. New York. 1873.

A NEW edition of Mr. Freeman's great work, cheaper and more easily handled than the former, is a gift to the student of English history which he ought to value highly. The reader, too, will be flattered to find the new title-page announcing itself as introducing an American edition, a compliment to the solidity of American literary appetites which an American is bound to acknowledge.

The revised edition contains as yet only the four volumes which have already appeared in the larger form, and the revisions or alterations appear to be of little importance. Persons who have already provided themselves with the earlier imprint need not trouble themselves to discard it for the newer. The revised American edition is better suited for students and popular circulation, but the other remains the *édition de luxe*.

Perhaps at some future day, when the work is completed, this Review will be obliged to discuss it as carefully as its great merits deserve. Then will be the time for the reviewer to express a proper sense of the obligations which the public owes to Mr. Freeman. He had already written in the form of a child's history one of the most admirable books — it is not excessive flattery to say altogether *the* most admirable book — of its kind that exists in the language; and if any other language can boast its equal, its existence has not yet been properly made known. If this larger and more elaborate work on the same subject is far from attaining its aim so completely as the *Early English History for Children*, the fault is very largely due to the necessities of the case, which render equal success almost impossible. In one respect at least Mr. Freeman is here, too, a model. For carefulness in study this work is without a rival among English histories.

On the other hand, one may, perhaps, claim the right to confess a slight feeling of amused disappointment on examining this new and revised edition. The amusement is due to the fact that Mr. Freeman should have discovered in his revision so little to revise; the disap-

pointment to the fact that he should have found nothing to improve. Not that any considerable change was possible or desirable. Mr. Freeman's prejudices, strong as they may be, are an essential part of the man, and his book would be tame without them. His patriotic enthusiasm for his Saxon ancestors, who were presumably the ancestors of New England as well, is an element of the book which has positive value, if only because it is a healthy reaction against the old tendency to consider everything good in civilization as due to Rome and Greece, to Cicero, to Homer, and to Justinian. Even if it were not so, enthusiasm such as his would still make a dull subject amusing. Most writers are appalled at the difficulties of inspiring enthusiasm for the English of the eleventh century, probably the only pure German race which was ever conquered twice in half a century and held permanently in subjection by races inferior to itself in wealth and power. To Mr. Freeman the difficulties are a stimulus, and no one would wish him to adopt that tone of impartiality which sounds more imposing in the mouth of Hallam, for example, than its actual merits perhaps really warrant. But most of Mr. Freeman's critics had long ago pointed out the unquestionable fact that the patriotic object at which he aims would be much more effectually reached if he would consent to put ever so slight a curb upon the really rampant vivacity of his enthusiasm, and moderate his pace a little, merely to keep his breathless followers in sight. It seemed reasonable to turn to the page which contains the well-known character of Alfred, in the hope that the opinions expressed there might have been somewhat affected by criticism. But the sentence still stands:—

“Aelfred . . . is the most perfect character in history.”

Might not Mr. Freeman have gained more converts by conceding a word here to his critics? “Perfect” is a strong term and liable to misconception. Mr. Freeman might, too, have considered his readers' feebleness of faith so far as to have limited the wide scope of the word “character.” He might have compromised with his conscientious belief in consideration of his good intent, and declared that Alfred was the most perfect king that ever lived, which in an American edition would not have been taken ill; or he might have said that Alfred was the most perfect Englishman that ever lived, and this statement also would probably have sounded reasonable enough, at least to such Americans as still entertain a prejudice against their English relations; or he might have made an exception or two, if only to avoid shocking national susceptibilities; or, finally, he might have reflected that such sweeping assertions are liable to honest misunderstanding, and that there are characters in history which ought not, even by

possibility, to be subjected to comparisons. But in spite of critics, Mr. Freeman adheres to his text. "In no other man on record were so many virtues disfigured by so little alloy." It is not from any wish to contradict this statement that one ventures to question its propriety. Mr. Freeman is as safe as though he made the same assertion about Alfred's progenitor Adam, or his other famous ancestor Woden. But although few English scholars will care to enter the lists in order to prove from the scanty pages of Asser and the Chronicle that Alfred was not the most perfect character in history, many will smile at what they will call the vivacity of Mr. Freeman's hobby, and will wonder that authors of his eminence should not know their art better than to undertake to browbeat their readers by sheer dogmatism.

This manner of dealing with history, innocent enough in the case of King Alfred, where no doubtful issues of morals are involved, becomes more serious when Mr. Freeman applies it to characters in regard to which the evidence is contradictory or adverse. Mr. Freeman has made it his duty to stand forward as the apologizer and eulogist of Earl Godwine, and Godwine's son Harold, characters which in themselves have claims to English sympathy strong enough to dispense with the dangerous aid of partisan advocacy. Mr. Freeman from the first has adopted towards these two heroes a tone of adulation calculated better than any other possible expedient to inspire into his readers' minds a sentiment of scepticism, and perhaps, in particularly recalcitrant cases, a feeling approaching vindictive animosity towards the whole family, until the fact that one member of the house assassinated his cousin, and another killed his brother in battle, almost causes a sense of relief and satisfaction in the reader. No one would ask Mr. Freeman to change all this. Indeed, it is well to have the ablest advocacy employed on behalf of desperate cases. Mr. Freeman seems to consider it indispensable to Godwine's reputation to prove that he was not the great-nephew of Eadric Streona, the ideal and almost unimaginable miscreant and traitor of his age, whose ruin just preceded Godwine's rise to power. No one will complain of the elaborate special-pleading by which Mr. Freeman attempts to overthrow the genealogy, for he is honest enough to state the evidence so clearly and elaborately as to satisfy an ordinary reader beyond all reasonable doubt that the genealogy is correct. Again, among the many charges current in his own time against Harold is one that at some period of his life he promised William of Normandy to support his succession to the English throne, and swore an unusually solemn oath to William to that effect, which he afterwards

broke without hesitation when he thought himself strong enough to seize the throne himself. Mr. Freeman defends his hero by another special plea which is curiously tortured and twisted, but disarms the critic by stating the evidence so elaborately that no one can possibly doubt as to the general bearing of the facts. A more serious question is whether Mr. Freeman has not allowed himself to overstate his case in regard to Harold's election as king. He is bent upon having it that Harold was elected king by the spontaneous voice of the people of all England, but it must be confessed that his case is a very lame one on his own showing. In the first place, the election, such as it was, took place before Edward's body was fairly cold, which in itself is a suspicious circumstance; in the second place, the authorities quoted by Mr. Freeman say not a word about that "great Gemot in London" which he imagines; in the third place, Florence declares that Harold was chosen "*a totius Angliæ primatibus*," which does not encourage the idea that the people were much consulted; and in the fourth place, Mr. Freeman calmly informs us that all the North of England, with the great Earls Edwin and Morkere, was in a state of passive resistance; in which case the inference is inevitable that Harold was elected by his own brothers and thanes, with the assistance of a part or all of the church, without opposition from the citizens of London. This seems to be all that can be proved about the matter, and it does not by any means justify the attempt to convert this election into a great and spontaneous uprising of the English people, whose influence in public affairs was at this time small enough, if one may judge from their behavior and their form of government. More objectionable, however, than any of the cases mentioned is Mr. Freeman's treatment of another point in the family history. This involves a charge of the most serious kind against the author; a charge of directly tampering with the moral aspects of his tale. He tells the story which once struck all Europe with horror, how in the year 1036, in the short reign of Cnut's son Harold the Dane, Alfred the Atheling came to England and met his death. The Chronicle records the event in terms of unmistakable severity:—

"M.XXXVI.—In this year the innocent Aetheling Aelfred, son of King Aethelred, came hither and would go to his mother who sat in Winchester; but that Earl Godwine would not permit, nor other men also who could exercise much power; because the public voice was then greatly in favor of Harold; though it was unjust. But Godwine then impeded him, and in durance set him, and his companions he dispersed; and diversely some slew; some they for money sold, some cruelly killed, some they bound, some they blinded, some hamstrung, some scalped. No bloodier deed was done in this country

since the Danes came and here made peace. . . . The Aetheling yet lived, every evil they vowed him, until it was resolved that he should be led to Ely thus bound. As soon as he was near the land, in the ship they blinded him, and him thus blind brought to the monks; and he there abode the while that he lived. After that, he was buried," etc., etc.

King Harold died in the year 1040, and was succeeded by Harthacnut, his half-brother on the father's side, and half-brother to the murdered Atheling through his mother. Florence of Worcester continues the story, the Chronicle being silent:—

"He [Harthacnut] was greatly incensed against Earl Godwine, and Lyfing Bishop of Worcester, for the death of his brother Aelfred, of which they were accused by Aelfric, Archbishop of York, and some others. . . . Godwine, to obtain the king's favor, presented him with a galley of admirable workmanship, with a gilded figure-head, rigged with the best materials and manned with eighty chosen soldiers splendidly armed. . . . Moreover, he made oath to the king with almost all the chief men and greater Thanes in England, that it was not by his counsel or at his instance that his brother's eyes were put out, but that he had only obeyed the commands of his lord King Harold."

The question of Godwine's complicity in this murder is one of only moderate importance to the world, and need not be discussed here, since Mr. Freeman discusses it quite sufficiently, and makes what may be truly called desperate attempts to clear his hero from the charge. But in doing this he was not obliged to resort to technical pleas as though he were an attorney. It was to be hoped, therefore, that in revising his work, he would, on sober consideration, omit the following passage:—

"Godwine's acquittal was as solemn as any acquittal could be. . . . Godwine was acquitted after the most solemn trial which the jurisprudence of his own time could provide. He is in fairness entitled to the full benefit of that acquittal. The judgment of a competent tribunal is always worth something, though its worth may be overbalanced by facts or probabilities the other way. There are those who hold, in defiance of all fact and all reason, that Sir Thomas More and Anne Boleyn must have been guilty because English courts of justice pronounced them to be guilty. I am surely asking much less if I ask that Godwine may be held to be innocent because an English Court of Justice, whose verdict is outweighed by no facts or probabilities the other way, solemnly pronounced him innocent."

The allusion is peculiarly unhappy; so much so that one is inclined to wonder whether Mr. Freeman's sense of humor has not led him to laugh a little at his readers. Every one is familiar with the style of argument here mentioned, and every one knows what kind of

judgment the public has with one accord passed upon the writers who have sinned in this way. But it is a fair question whether Mr. Freeman in the passage quoted has not surpassed the extravagance of all his predecessors. Indeed, one is a little puzzled to decide what most to wonder at in this short extract. Perhaps a lawyer, who knew a little of Saxon law, might think that the astounding legal ideas here advanced were the proper subject of criticism. Law is indeed Mr. Freeman's weakest point, and it is a matter of much regret that his books are so deficient in this direction as to make it necessary that some one — the duty belongs to Professor Stubbs — should go over the whole ground again. But to the reader who knows no law, the most surprising part of this extract will probably be its revelation as to Mr. Freeman's notion of his duties as an historian. Granting for the sake of argument that the German compurgation was equivalent to a modern acquittal, the question arises whether even a modern acquittal ought to bar the investigations of an historian. Most historical critics have gone so far as to assume not only that there can be no human sentence so solemn as to stand above the revision of posterity, but even that it is the special and conscientious duty of the historian to use all the resources of his skill and knowledge in analyzing the justice of precisely these sentences in order to redress an injury or inflict a punishment. This is the case even in regard to judgments pronounced by our own courts on principles of evidence best suited to establish truth. What then can be said of Mr. Freeman's grave attempt to silence doubt by appealing to the force of a technical oath, affecting in no way the moral bearings of the charge, and perfectly well understood, even in its own day, to have no such moral weight? If Mr. Freeman proposes to go through all mediæval history in this genial manner, acquitting every man from offence who has ever availed himself of the privilege of compurgation, he will end by offering to the public one of the most considerable lists of hardly treated ruffians and perjurers that has been seen even in this generation, to which the sight of rehabilitated criminals is so common. But the public patience will hardly last to the end of the list. Its judgment will be that the historian who resorts to such arguments has by the very act abdicated his high office and is no longer entitled to the name. He has become an advocate, and not a strong one.

2. — *Elements of Physical Manipulation.* By PROFESSOR E. C. PICKERING. New York : Hurd and Houghton. 1873.

THIS book is an evidence of the increased attention which is paid to the subjects mechanics, light, sound, heat, and electricity, now embraced under the head of physics. For many years the ground of physics was a tract of undefined boundaries, over which chemists and mathematicians roamed at will. Sir Humphry Davy, Faraday, Wollaston, and many other eminent chemists, made as brilliant discoveries in this neutral territory as in their own especial domain. To day the chemist finds his own field so large as to occupy all his mental power ; and the student of physics discovers that the subjects of light, sound, heat, and electricity cover grounds so extensive that he cannot make incursions upon his neighbor's domain of chemistry. We therefore have in the universities and colleges of the present day distinct chairs of chemistry and physics. To the chair of chemistry there is attached a laboratory in which the student works practically ; on the other hand, it has not been considered essential that the student of physics should do more than attend the lecture-room and see the manipulation of the professor. The reason that this difference of teaching the two sciences should have existed is very apparent. To demonstrate a law in physics, technically so called, more refined and complicated apparatus is needed than in what Theodore Winthrop terms "splitting atoms and unbraiding gases." With test-tubes and a few reagents, a student in chemistry can perform many experiments with small expense ; whereas, in physics, the apparatus cannot be duplicated without large outlay ; and the danger of its injury in the hands of inexperienced men is very great. The professor in chemistry can start the student upon a branch of analysis, in which, with the aid of a good text-book, — like Eliot and Storer's manual, for instance, — he does not require much individual assistance from the professor ; large classes can pursue their studies in a laboratory at the same hour, the number being limited only by the laboratory accommodation. The instructor in physics, on the other hand, if he admits students to the use of his instruments, must give each man individual and constant attention, unless the student happens to have large skill and experience, which does not often happen. Therefore, distinguished professors of physics, in Germany and in England, have never had more than four or five young men in their laboratories at one time.

The value of laboratory work in the professional training of chemists, naturalists, doctors of medicine, and of men about to devote themselves to technical branches of manufacture, is well recognized. The importance of this work as a means of strengthening the judgment, and cultivating the powers of observation also, cannot be too much dwelt upon.

A student, with an undue balance of the imaginative powers and with a good knowledge obtained from books, enters the laboratory and takes his place at the table whereon is placed the apparatus with which he is to experiment. He has read about the subject all his school life, and was instructed in physics in a high school before his entrance to college. He is now told to use the apparatus which he has read about. Face to face with the thing itself, he stands aghast. He realizes, in a dim way, that practical life and the actual duties of a profession will confront him, as this battery or that spectroscope now does. He finds that his reading knowledge on the subject in hand is of no practical use, simply because it is not definite. In that moment he learns, perhaps for the first time, the value of definite ideas; and a feeling comes over him that his knowledge of subjects out of the domain of physics may fail when he comes to the point of applying it. He can be readily pardoned, however, for a want of technical skill in the use of this screw or that slide. He goes more confidently at work, and at last brings out a result which he characterizes as "about right." He is very much dejected when he is informed that no margin of error is allowable; and that results which are not exact are useless. He goes away much dispirited by his day's experience; his observations are useless; they have been taken at random, without method and without proper sequence. He therefore relapses with a sigh of relief into studies which allow his mind to wander freely without penitentiary bounds or limits. His next essay may be more successful; but weeks and months of patient work are required to overcome deficient training. Let us stand beside him after experience has had its more or less perfect work. He is told to perform a certain experiment; his questions are to the point; he sees what is necessary to accomplish his object; what errors are to be expected and how to provide against them; and his manner of handling the instruments shows that, having grasped the salient points of the idea presented, he has the power of working it out. He has got an insight into a new manner of using his mind, substantially different from that with which he has been familiarized in his linguistic studies. He realizes what Helmholtz vividly describes in an opening address at the

Naturforscher Versammlung in Innsbruck, in 1869: "At one time we have to study the errors of our instruments, with a view to their diminution, or, where they cannot be removed, to compass their detrimental influence; while, at other times, we have to watch for the moment when an organism presents itself under circumstances most favorable for research. Again, in the course of our investigation, we learn, for the first time, of possible errors which vitiate the result, or, perhaps, merely raise a suspicion that it may be vitiated, and we find ourselves compelled to begin the work anew, till every shadow of doubt is removed. And it is only when the observer takes such a grip of the subject, so fixes all his thoughts and all his interest upon it, that he cannot separate himself from it for weeks, for months, even for years, cannot force himself away from it, in short, till he has mastered every detail, and feels assured of all those results which must come in time, that a perfect and valuable piece of work is done. You are all aware that in every good research the preparation, the secondary operation, the control of possible errors, and especially the separation of the results attainable in the time from those that cannot be compassed, consume far more time than is really required to make actual observations or experiments." The influence of such work upon the powers of the mind is necessarily very strong, even if the student does not advance to the point of making original investigations. The problem then presents itself of extending a valuable method of study now pursued by a few in physics to the many, and of breaking up the pernicious system of recitations from illogical and badly arranged text-books in natural philosophy. The professors of physics in our American colleges, although recognizing the value of laboratory work, have been loath to give so much time and energy as a system of laboratory work in physics would necessarily require. It has been reserved for Professor Pickering to show how the difficulty of time and attention, the expense in duplication of apparatus, can be surmounted. No one who has not had charge of a physical laboratory can form any idea of the amount of originality and ingenuity required to devise simple experiments suitable for untrained students in physics. In this work, Professor Pickering has arranged experiments in mechanics, light, and sound, with valuable hints upon methods of work. Especial stress is laid upon quantitative work; and the methods of probable error, interpolation, and various criteria for forming judgment of the weight of results, are explained at length. Many of the experiments here described are entirely original. It has evidently been the aim of the author to adapt the book to the possible requirements of the high school of the future;

the apparatus, therefore, recommended, is for the most part simple and cheap.

The book is a very suggestive one ; and teachers of physics in high schools and colleges cannot fail to profit by it.

3. — *Autobiography*. By JOHN STUART MILL. New York : Henry Holt and Company. 1873.

THE impression that is left on the reader's mind by this remarkable book is by no means a simple one. What one wishes to find is an explanation of the growth of Mr. Mill's opinions and an account of that inner life which interests us sometimes in fools as much as in philosophers. But this second part is almost wholly swallowed up by the first. From the cradle Mr. Mill was instructed ; his whole life was one of intellectual training ; so that while his brain was made an admirable instrument, while he wins our warmest admiration as a worker, we cannot help feeling a certain distrust of the accuracy of his opinions when we see the one-sidedness of his education, and our affection for him personally is made greater by the view we get of his sincerity, unflagging toil, and the lack of sympathy with anything but his intellectual nature which marked so much of his life.

How thorough was his training can be judged by the fact that he had no remembrance of the time when he began to learn Greek ; that before he was seven years old he read Robertson, Hume, and Gibbon, making notes upon them all while reading ; that he had almost no playthings and very few children's books ; and that at the age of twelve, after having read more Latin and Greek than most college graduates, and writing a history of the Roman government, he compiled from Livy and Dionysius, which would have made an octavo volume, read several Latin treatises on the scholastic logic, and Hobbes's *Computatio sive Logica* ; that in 1819, when he was but thirteen, his father took him through a complete course of political economy. At eighteen this overworked boy, who had been without companions of his own age while making these vast preparations, began to write for the "Westminster Review," having a year or so before been a contributor of various historical articles to the daily papers. So much work, it seems, could be forced out of his brains ; but this artificial system of education was succeeded by a period of melancholy reaction. He says :—

"I was in a dull state of nerves, such as everybody is occasionally liable to ; unsusceptible to enjoyment or pleasurable excitement ; one of those

moods when what is pleasure at other times becomes insipid or indifferent; the state, I should think, in which converts to Methodism usually are when smitten by their first 'conviction of sin.' In this frame of mind it occurred to me to put the question directly to myself: 'Suppose that all your objects in life were realized; that all the changes in institutions and opinions which you are looking forward to could be completely effected at this very instant: would this be a great joy and happiness to you?' And an impressible self-consciousness distinctly answered, 'No!' At this my heart sank within me; the whole foundation on which my life was constructed fell down. All my happiness was to have been found in the continual pursuit of this end. The end had ceased to charm, and how could there ever be again any interest in the means? I seemed to have nothing left to live for."

In the following passage he describes his delivery from this dejection:—

"I was reading, accidentally, Marmontel's *Mémoires*, and came to the passage which relates his father's death, the distressed position of the family, and the sudden inspiration by which he, then a mere boy, felt and made them feel that he would be everything to them,—would supply the place of all that they had lost. A vivid conception of the scene and its feelings came over me, and I was moved to tears. From this moment my burden grew lighter. The oppression of the thought that all feeling was dead within me was gone."

By this experience, he tells us, he learned that happiness is not to be sought as a direct end, but by making it depend upon fixing the mind "on some object other than their own happiness; on the happiness of others, on the improvement of mankind, even on some pursuit, followed not as a means, but as itself an ideal end."

Another thing he learned was the use of more varied cultivation, such as the study of poetry and art. But of music he says:—

"It is very characteristic both of my then state, and of the general tone of my mind at this period of my life, that I was seriously tormented by the thought of the exhaustibility of musical combinations. The octave consists only of five tones and two semitones, which can be put together in only a limited number of ways, of which but a small proportion are beautiful: most of these, it seemed to me, must have been already discovered, and there could not be room for a long succession of Mozarts and Webers, to strike out, as these had done, entirely new and surpassingly rich veins of beauty."

These meagre results, although in addition he learned to read and admire Wordsworth,—he had already as a boy read Shakespeare, at his father's advice, "chiefly for the sake of the historical plays,"—this feeble groping towards a love of the arts, which in most persons would have been called almost an aversion to them, were about all

that he had to give him an insight into that important side of human nature, the emotions. Of religion he knew absolutely nothing; as he himself says, he was a singular example, not of a man who had thrown off religious belief, but of one who had never had any. There was another disadvantage connected with this, namely, that he was obliged to keep the fact of his non-belief a secret. That an education of this sort is calculated to adapt one to excel in almost any sort of purely intellectual work to which the well-trained brain is directed is obvious enough. For a logician or political economist there could hardly be a better preparation. And it was in these matters that Mill won what will probably be found to be the most lasting part of his reputation. But it will be by no means easy for any one to pin his faith on the more general philosophy of a man who lived in such exceptional ignorance of the great stumbling-block in the way of reforming philosophers, — the ordinary feelings and prejudices of mankind. Faulty logic is the cause of men's erring once, where their wilfulness makes them guilty a hundred times. A comprehension of human nature is needed by the philosopher before he can obtain lasting credence. If he lacks that comprehension, he runs the risk of being judged as a musician would be who wrote about political economy. The presumption is against him. In Mill's case his incomplete knowledge made him vague; what there was of it elevated him, but the reader cannot help being conscious of the meagreness of the material with which he worked.

Time brought a certain revenge for this neglect of everything save the intellect, in his attachment to Mrs. Taylor, which began at the time her husband was still living. Mill was the recipient of a great deal of obloquy for this matter, inasmuch as the lady left her husband, who seems to have been a most worthy man, in order to be near Mr. Mill, who was far from discountenancing this action on her part. His conduct was severely blamed by many of his warmest friends, and naturally enough when we consider the importance of morality and outward respect to morality in the state, and the conspicuous position held by Mr. Mill. After her husband's death she married Mr. Mill, but she died less than eight years from that time. In his affection for her we see that nature had its rights, and that she received a religious adoration which he had been unable and unwilling to express in any other way for any of the usual objects of love and homage.

Of his first parliamentary career he writes at some length. The general feeling after finishing the book is one of pity for the joyless life Mr. Mill lead, and of admiration for his honesty and simple-mind-

edness ; but while our affection is demanded for the man, it is hard to silence distrust for him as a philosopher, and this, we fancy, is far from being what Mr. Mill would have desired.

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4. — *Historic Fields and Mansions of Middlesex*. By SAMUEL ADAMS DRAKE. Illustrated. Boston : James R. Osgood & Co. 1874.

WHILE it is true that we Americans show a reckless disregard of our scanty antiquities when it is a question between preserving them out of sentimental reasons and selling them at a large profit, it is not to be forgotten that there are many who are adverse to such conduct, as well as many who devote their spare time to preserving and chronicling what can be gathered about the past. Among the workers in the antiquities of this neighborhood is Mr. Drake, whose thick volume on some of the fields and houses of the county of Middlesex supplements his "Old Landmarks and Historic Personages of Boston," which appeared about a year ago.

The author tells us, in his Preface, that his book "is neither a county history nor a relation of consecutive events, but a series of historic colloquial rambles among the memorable places of old Middlesex." This is just what it is, a pleasant, gossiping book, full of historical information, much of it not to be found under every one's hand, and interspersed with anecdotes of various degrees of credibility. The author, like almost every antiquarian who does more than collect the dry facts of history and arrange them like stones on a shelf, treats us to occasional bits of philosophizing and reminders of man's mortality and the mutability of all things, which are of greater antiquity than any old building mentioned in the book. Then, too, his zeal runs away with him when he, for instance, compares the cemetery of Mount Auburn to "a miniature Switzerland, though no loftier summits than the Milton Hills are visible from its greatest elevation. It has its ranges of rugged hills, its cool valleys, its lakes, and its natural terraces. The Charles might be the Rhine, and Fresh Pond — could no fitter name be found for so lovely a sheet of water? — would serve our purpose for Lake Constance. A thick growth of superb forest trees of singular variety covered its broken, romantic surface ; deep ravines, shady dells, and bold, rocky eminences were its natural attributes. You advance from surprise to surprise."

We cannot imagine the most patriotic citizens of Cambridge — and such local pride as is to be found among the inhabitants of that city

is not to be equalled elsewhere — reading that passage without a blushing consciousness of the over-enthusiasm of the writer. These faults indicate the author's zeal, which is more appropriately to be found also in the collection of material. Naturally enough there is a great deal about the Revolution, for there is hardly a hill in the neighborhood of Boston that does not bear the mark of an old fortification, nor an old house without its tradition of Washington's visit.

It is with an account of Charlestown and the Charles River that the author begins his volume; he goes on with a description of the Navy Yard, giving the reader various anecdotes about different naval officers and ships. Bunker Hill, of course, receives due honor. Somerville, Medford, Cambridge, are mentioned in succession, and it is here that, in our opinion, the author has collected the most interesting facts. General Lee's head-quarters in Somerville are made the excuse for a long and entertaining chapter on the Revolutionary War; and in the description of Cambridge we have a great deal of information, not only about the colleges, but also about the very many old houses which make that city so noteworthy. Concord and Lexington, as well as South Sudbury and Woburn, are the texts of interesting antiquarian disquisitions.

In short, the volume, in spite of its lack of certain literary merits which the readers will good-naturedly forgive, will be found extremely entertaining reading for the valuable rarities assembled, even if they are hidden under a considerable amount of less important statements. The illustrations, of which about twenty are heliotypes, add materially to the value of the book; less warm praise can be given to the wood-engravings.

5. — *Aftermath*. By HENRY WADSWORTH LONGFELLOW. Boston: James R. Osgood & Co. 1873.

IN this volume of verses Mr. Longfellow brings to a conclusion the "*Tales of a Wayside Inn*," with an additional series of stories, some old, some new, but all told with the same easy grace which his readers have by long and delightful experience learned to expect in every poem that leaves his hand. There is the story of Azrael told once more, as well as that of Emma and Eginhard, and the tale of Elizabeth.

"By the window she sat with her work, and looked on a landscape
White as the great white sheet that Peter saw in his vision,
By the four corners let down and descending out of the heavens.

Covered with snow were the forests of pine, and the fields and the meadows.
Nothing was dark but the sky, and the distant Delaware flowing
Down from its native hills, a peaceful and bountiful river."

"The Monk of Casal-Maggiore" is perhaps as pleasing as any. It is an amusing story charmingly told.

The main value of the book, however, lies in the few shorter poems at the end, in which the poet bids farewell, as it were, to his readers, comparing this collection of his poems to the last gathering of the rowen by the farmer. Every one knows the little poem, but we cannot help quoting it once more.

AFTERMATH.

When the summer fields are mown,
When the birds are fledged and flown,
And the dry leaves strew the path;
With the falling of the snow,
With the cawing of the crow,
Once again the fields we mow
And gather in the aftermath.

Not the sweet, new grass with flowers
Is this harvesting of ours;
Not the upland clover bloom;
But the rowen mixed with weeds,
Tangled tufts from marsh and meads,
Where the poppy drops its seeds
In the silence and the gloom.

The gentle pathos of this is of something the same sort that is expressed in the "Fata Morgana," and "The Haunted Chamber," and "The Meeting," which is a tender melancholy far removed from gloomy repining.

All of Mr. Longfellow's admirers, that is to say all of his readers, will gladly receive this volume, which, if it lacks great poems, contains the same simplicity, sweetness, and calm trustfulness that have made him always welcome with those who are sensitive to the softer charms of verse.

6. — *Poems.* By W. D. HOWELLS. Boston: James R. Osgood & Co.
1873.

MR. HOWELLS'S delightful prose works have won him so many admirers, who have keenly appreciated his delicate humor, his subtle drawing of character, and the charms of his style, that we cannot

help being glad that he has seen fit to republish a volume of his earlier poems. The reader will find very much the same qualities which have made his other writings so attractive; there is the more than masculine, almost feminine, touch to be found in some, with which "A Chance Acquaintance" and "Their Wedding Journey" have made us familiar, as, for instance, in "Before the Gate," and which makes us willing to overlook the slight ruggedness of the metre. In "Bopeep: A Pastoral" we have an old story gracefully told, and with more merriment than we might be prepared to find in connection with some of the poems which, we take it, were among the earliest of the author, for in many places we trace that influence of Heine which is apt to grow less potent as one grows older.

One of the most pleasing is "The First Cricket," which we quote at length:—

- "Ah me! is it then true that the year has waxed unto waning,
And that so soon must remain nothing but lapse and decay, —
Earliest cricket, that out of the midsummer midnight complaining,
All the faint summer in me takest with subtle dismay?"
- "Though thou bringest no dream of frost to the flowers that slumber,
Though no tree for its leaves, doomed of thy voice, maketh moan,
Yet with th' unconscious earth's boded evil my soul thou dost cumber,
And in the year's lost youth makest me still lose my own.
- "Answerest thou, that when nights of December are blackest and bleakest,
And when the fervid grate feigns me a May in my room,
And by my hearthstone gay, as now sad in my garden, thou creakest, —
Thou wilt again give me all, — dew and fragrance and bloom?"
- "Nay, little poet! full many a cricket I have that is willing,
If I but take him down out of his place on my shelf,
Me blither lays to sing than the blithest known to thy shrilling,
Full of the rapture of life, May, morn, hope, and — himself:"
- "Leaving me only the sadder; for never one of my singers
Lures back the bee to his feast, calls back the bird to his tree.
Hast thou no art can make me believe, while the summer yet lingers,
Better than bloom that has been red leaf and sere that must be?"

With this should be compared "In Earliest Spring." Very impressive is "Forlorn," descriptive of the sufferings of a bereaved heart. We are sure that all who know Mr. Howells's prose writings will be glad to read this volume of his verses.

7. — *The Tour of the World in Eighty Days.* By JULES VERNE, Author of "Twenty Thousand Leagues under the Seas." Boston: James R. Osgood & Co. 1873.

Twenty Thousand Leagues under the Seas. By JULES VERNE. Boston: James R. Osgood & Co. 1873.

Five Weeks in a Balloon. By JULES VERNE. Boston: James R. Osgood & Co. 1873.

The Fur Country. By JULES VERNE. Boston: James R. Osgood & Co. 1874.

THE various books of M. Verne which are continually appearing in English as fast as they are written in French have taken a very high place in that department of literature which aims especially at entertaining the young. It is not the young alone, however, who find his writings interesting; they are the favorites of the boys, but their parents do not fail to find amusement in the ingenious inventions of this writer, who leaves no corner of the globe untouched for material. To write books that shall please boys is no easy task, but the best books for the young will generally be found readable by their elders.

M. Verne, before striking this vein, which has since proved so successful, was a toiler in the beaten paths of literature, although with but indifferent success. He wrote little plays and the libretti for operas, which would never have made his name famous. His main interest, however, lay in geography, and this he utilized in his first boys' book, "Five Weeks in a Balloon." This contains an account of a journey made by an enthusiastic Englishman over the unknown centre of Africa, from the eastern to the western coast, in a balloon. The scientific preparations for the voyage are described in a way that must fill the hearts of Messrs. Donaldson and Wise with envy. The explorer and his companions meet with all manner of adventures, and are perfectly successful; they solve all the puzzles of African geography, but not without meeting with various hardships, which follow one another at just the proper intervals to keep the instruction that is conveyed from being dull.

Inspired by the success of this volume, M. Verne devoted himself entirely to the composition of books of this sort. Perhaps the best known is "Twenty Thousand Leagues under the Seas." This is an account of a submarine boat, the building of which is described with great detail and such *vraisemblance* that it seems the most practicable thing in the world to have a vessel moved by electricity, and

able to hold enough fresh air for use at the bottom of the sea. With these mysterious provisions in which, out of obedience to the spirit of the age, scientific methods have taken the place of the effete magic of fairies, the travellers journey through the depths of the seas. Their speed is, of course, very great; for why, when one has the secret of electric machinery, should one begrudge fifty miles an hour? The knowledge of geography which M. Verne possesses enables him to add a certain amount of instruction to his entertaining book, and his lively imagination keeps him from ever being dull.

"The Tour of the World in Eighty Days" is a very amusing squib, giving an account of a journey around the world made for the sake of a bet by an eccentric Englishman, silent, determined, and very grim, who, with the energy of his race, carries his insular prejudices and his bull-dog pugnacity with him wherever he goes. The way in which he is at last successful, in spite of manifold obstacles, in winning his bet, is very ingeniously and amusingly devised.

In "The Fur Country" M. Verne takes us to the Arctic Circle, and describes, in a way that shows us that he has thoroughly mastered his subject, the perils and discomforts of the polar winter. The people whom he brings together at the little station of the Hudson's Bay Company, the officers and men of the Company, the devoted astronomer, the enthusiastic travelling Englishwoman and her companion, are all drawn with amusing skill. The perils which naturally encompass them are bad enough, but they sink into insignificance in comparison with the dramatic device which gives especial interest to the second volume of this book.

All his writings show great ingenuity, and more than that, great familiarity with what he has chosen to describe. For instance, in those which, like "The Fur Country," deal with life in the frozen North, he makes it very clear that he has studied well all the accounts of actual voyages in that region, and he understands how to bring before the reader's mind a very vivid picture of the gloom and dangers that fill that part of the world. Not that he is entirely free from errors, nor that he does not, outside of his most evident inventions, sometimes overstrain probability, but, in general, he manages to convey a great deal of valuable information, but in a pleasant form that hides from the boy how much he is learning. These qualities make him a writer for boys who is worthy of considerable praise. His books are both entertaining and instructive; the mixture of these two qualities is wisely made, and we respectfully commend them to the public attention.

8. — *La Chanson de Roland*. [Première partie.] *Texte critique accompagné d'une traduction nouvelle et précédé d'une introduction historique*, par LÉON GAUTIER. *Avec eaux-fortes par CHIFFLART et V. FOULQUIER et un fac-simile*. Tours : Alfred Mame et fils, éditeurs. 1872. Grand in-8°.

Id. *Seconde partie, contenant les notes et variantes, le glossaire et la table*, etc. Tours. 1872. Grand in-8°.

THESE sumptuous volumes must fill the heart of every lover of the old French poetry with delight. It is something of a reparation for the neglect of three hundred years, that at last so noble a monument has been erected to the brave old epic. The art of the printer and the art of the engraver have combined with the most sound and patient scholarship to do it honor. The heavy calendered paper, with its broad margins, and the clear and beautiful type, are worthy of the celebrated presses from which it is issued, and which the editor is perhaps right in calling the first in the world, and are worthy also of the poem which had been justly famous and unjustly forgotten before the art of printing was invented. The spirited etchings of M. Chiffart, though not contributing very much to the elucidation of the text, have a rude vigor of drawing, a vehemence of movement, and a sharpness of contrast of lights and shadows, which accord well with the spirit of the poem. The woodcuts representing ancient weapons and armor, and tapestries and *vitreaux* on which incidents in the life of Roland are portrayed, are numerous and well executed. The work is one to be elegantly bound and daintily handled, and seems even too fine and costly to be subjected to the hard usage of the study-table.

Yet it is not simply an *édition de luxe* ; the name of its editor is a sufficient guaranty for its scientific value. M. Gautier is well known as one of the leading French scholars in the field of mediæval language and literature, and holds the position of professor in the *École des Chartes*. He stands with MM. Paulin Paris, Guessard, Meyer, Gaston Paris, Brachet, and others, at the head of that group of accomplished and patriotic students who are not contented with simply bringing out of the dust of libraries and the confusion of manuscripts the buried treasures of the heroic age of their national poetry, but consider it a duty to present them, with all the aids which historical and linguistic science affords, to the friends of letters and of culture. It was in this spirit that M. Gautier, after editing the works of Adam de St. Victor, and printing for the first time the romance of the

Entrée en Espagne, published, in 1865, his work on the *Epopées françaises*, a most thorough and comprehensive description and discussion of the numerous poems known as the *Chansons de Geste*, in which the latest conclusions of modern scholarship on all the questions connected with the subject are brought together, and in which his own investigations, covering many years and embracing a vast number of manuscripts in the libraries of France, Italy, and England, led to many new and important results.

The present work belongs to the same enterprise of scientific *vulgarisation*, as the French call it, and is prepared in the same thorough manner. Our limits restrict us to some observations upon the merits of the edition, and do not allow us to speak at length of the historical and poetical value of the poem itself. In its concise vigor and dignity of language, its simple and large style of narrative, its vivid pictures of great deeds of arms, its noble conceptions of royalty, loyalty, and courage, its pathos, its purity, its devout faith in Christianity, it not only stands far above the other poems of that age, but deserves to rank among the few great epics of the world, while the illustrations which it offers of the ideas that filled men's minds in the period which gave birth to modern literature, and of the military and judicial usages of the Middle Ages, give it a permanent historical importance. In its oldest form, like all the best and most ancient French epics, it is not long, according to the measure of the later imitations (it consists of four thousand lines, and the *Lion de Bourges* contains forty thousand), and the text, together with a translation, line for line, *en regard*, occupies but little more than one quarter of the whole work. The manuscripts are exceedingly faulty, inconsistent, and obscure, the work of ignorant and careless scribes, who mingled the forms of the language as it was written in their own times and in their own dialects with the forms which they found in the older copies before them. The earliest editors, notably M. Michel and M. Génin, contented themselves with publishing the best of these texts, that in the Bodleian Library, not very accurately copied, with various corrections, more or less valuable, of their own. This was much; in fact, the importance of M. Michel's edition can hardly be overstated; but something more than this was needed, and the progress made since 1850 (the date of M. Génin's edition) in the grammar of the language of the eleventh and twelfth centuries, and the publication of other texts and *remaniements* and versions (especially in German), have made something more than this possible. M. Natalis de Wailly in his edition of Joinville had set the example, which M. Gaston Paris has since followed in his edition of the *Vie de St. Alexis*, of a *critical text*,

establishing the readings by a collation of manuscripts, and fixing the forms by a study of the dialect and period of the writer. This M. Gautier has undertaken to do for the *Chanson de Roland*, and it is, perhaps, the most important feature of his edition. Doubtless it was a delicate and difficult task, though he was not absolutely the first to attempt it. M. Th. Müller, taking the same Oxford manuscript as the basis of his edition, had already used in the preparation of the text the Venetian manuscript, the *remaniements*, and the German versions. He was thus enabled to supply many deficiencies, to correct many faults, to put a meaning into many lines which were unintelligible before, and to arrange in their proper order many verses which were out of place. M. Gautier has gone further in the same direction. In addition to a renewed collation of previous editions with the manuscripts, he has endeavored by a minute study of the poem itself to discover the grammatical rules which were observed in the manuscript from which the Oxford copy was made, but which the copyist often violated; and these rules once established, he has rigidly followed them. He has tried to establish a uniform orthography throughout the poem. In a word, his task has been to settle the text of the *Chanson* as it would have been written by an intelligent and careful scribe at the same time and in the same dialect. It should be stated, however, that in every case where he has deviated from the Oxford text he has indicated the reading of that manuscript in the notes, and has given at length his reasons for the emendation. The omissions of the Oxford manuscript are supplied from the others, and these additions are thrown into the language and metre of the original, in conformity with the rules of grammar and dialect already established; they amount to some two hundred verses, but the author has modestly placed them among the notes. It would probably be too much to say that we have in this way obtained the text in its ultimate form, but we certainly have one far more nearly correct, complete, and consistent than any that has hitherto been published; and the example of M. Gautier, in addition to the others whom we have named, will, we hope, be found to have fixed for future editions of the old French romances that critical method of preparing the text which has been practised so long and with such good results in the case of the ancient classics.

In his Translation, M. Gautier has, as a matter of course, not imitated the unaccountable freak of M. Génin, who in his edition amused himself by trying to turn French of the eleventh century into French of the fifteenth. He has rendered each line of the original into a line of prose, which, if not always literal, is clear, elegant, and spirited.

Indeed we are tempted to say that it is *too* spirited, for the style of M. Gautier, we may remark here once for all, is singularly emphatic and vehement. If in his Translation he substitutes a repetitious, declamatory intensity of expression for the severe simplicity of the original, in his Introduction and Notes he writes with the fervor of a popular orator, and argues with the passion of an advocate who has an obstinate antagonist before him. To take a single example, he renders the line,

“Ne li faldrunt pur mort ne pur destreit,”

“Oui, quelle que soit leur détresse et même devant la mort, ils ne feront jamais défaut à l'Empereur”; but this is a paraphrase, not a translation. And we cannot but consider the frequent appeals to the reader, the “Est-il vrai, oui ou non?” the “Non, non, non, mille fois non!” the “Voici! Voici!” the small capitals and the exclamation-points, as falling somewhat below the severe dignity of critical scholarship.

Yet we are not disposed to find much fault with the enthusiasm of our author, which has led him into such extensive and wearisome investigations, and which makes his Introduction, as it makes his *Epopées françaises*, not only very instructive but very lively reading. In this Introduction, occupying nearly half of the first volume, he discusses in his fiery way all the questions which the poem suggests, from the origin of epic poetry in general down to the numerous works which within the last forty years have been published in regard to this particular poem and the legend which it embodies. He sketches the origin and growth of the tradition, indicates its historical basis, and analyzes its characters. With most scholars he considers it to have been of German origin, and holds that the poem was developed out of brief popular *cantilènes*, which very probably were never reduced to writing, and which have wholly disappeared, except that a number of episodes in the poem may be distinguished as representing some of these earlier ballads. The versification is discussed at considerable length, and a classified list of all the assonances is added in a note, — a valuable help in the study of this important feature of the romances. As to the origin of the heroic measure, M. Gautier adheres to the opinion expressed in his *Epopées françaises*, that it proceeded directly from the Latin “dactylic trimeter hypercatalectic,” — an opinion which has been warmly, and, as it appears to us, successfully controverted by MM. Paul Meyer and Gaston Paris. On the vexed question of the “similar couplets,” M. Gautier, modifying somewhat the view expressed in his former work, admits that one or two seem to countenance the theory that they are different redactions of the same

original stanza ; but in most of them he finds such differences as lead him to conclude that in many cases the poet purposely, with an art that was rude but very effective, sought to deepen the impression produced by some telling passage by repeating the same thoughts in slightly varied language, adding to each successive stanza some new feature, which served to complete the picture. Finally, he leaves the obscure question of the origin and meaning of the famous refrain *Aoi*, as he found it, unsolved.

The chapters on the date and authorship of the poem do not add much to our knowledge on these points, though the author handles rather roughly the theory of M. Génin, that it was the work of a Benedictine monk by the name of Théroulde, and gives some plausible reasons for believing that it was composed in the dialect and vicinity of Avranches.

After a few pages devoted to setting forth the beauty of the poem, the editor takes up in turn the different *remaniements*, or, as he calls them, outrages, to which it has been subjected. Hardly anything gives a better idea of the history of letters in France during the Middle Ages than the successive phases of the Roland legend, which are here related with great minuteness and with abundant illustrations. First, the authors of the Chronicle of Turpin attempted to give it a clerical and edifying character. Then the cultivated ears of the thirteenth century were offended by the barbarous system of assonances on which the original poem was constructed, and enterprising *clerics* undertook to change this into a system of rhymes. One modification brought about another. The alteration of the last word led to the remodeling of the line, or, if the case was troublesome, one line was stretched out into two. The license thus acquired, justified at first by the necessities of the rhyme, was not slow in introducing other changes for which no reason existed except in the corrupt taste of the author and of his readers ; for by this time the poem had ceased to be sung to the accompaniment of the viol, and had passed into the dignified retirement of illuminated manuscripts and rich libraries. New scenes and characters were introduced into it, some of the original ones were suppressed, others prolonged and diluted, till the concise and vigorous poem grew into a prolix and tiresome composition of four or five times its original length, from which every trace of the original beauty had disappeared. Under this treatment, of course, the spirit of the legend suffered not less than its form. The figure of *notre emperere magnes*, who was more than two hundred years old, and more than fifteen feet in height, dwindled to that of an insignificant and even contemptible

monarch. His twelve mighty paladins became pious mystics. The thirty pure and pathetic lines which tell all the story of the "*bele Alde*" grew into as many folios of sentimental rubbish. The simple but devout faith in God, "*veire paterne, ki unkes ne mentit*," gave place to the subtleties of a pedantic theology. The fourteenth and fifteenth centuries carried the work of transformation still further, and commenced the long series of romances in prose of which the degenerate offspring are still to be seen in the little volumes of the *Bibliothèque bleue*, the delight even in our day of the population of the villages and rural districts of France. Detestable as these different transformations are from a literary point of view, they clearly attest the power and popularity of the legend, shed light on many of the obscurities of the older versions, and exhibit vividly the intellectual condition of France in the successive centuries from which they date.

But the popularity of the legend was not confined to the country in which it originated; and not the least interesting and valuable portion of M. Gautier's Introduction is that which sketches its history in other lands and languages. The *Ruolandes Liet*, which has also its *remaniements*, is a translation of our *Chanson*, composed probably about the middle of the twelfth century. The stirring story appears also in the literatures of the Netherlands, of Iceland, of Denmark, of England. In Italy it passed through nearly the same transformations as in France, existing first as an oral tradition, then versified and sung by the *jongleurs*, then thrown into the form of a sustained epic, then translated into prose, — the prose of the *Real di Francia*, — and finally taking poetic shape again under the touch of Pulci, Boiardo, and Ariosto. Even in Spain it was popular till a reaction of national pride created the myth of Bernardo del Carpio, and among the prose romances which reigned from the thirteenth century to Cervantes, not a few which celebrate the exploits of the *Emperador Carlomagno y los doce Pares de Francia* are French in origin and spirit.

Returning to France, the author gives some striking examples of the indifference with which the earlier literature was regarded in the seventeenth and eighteenth centuries. The Roland legend was not wholly forgotten. Quinault took it for the subject of one of his operas; Tressan travestied it in a jingling ballad in octosyllabics : —

"Roland, étant petit garçon,
Faisait souvent pleurer sa mère," etc.

The Bollandists intimated that *perhaps* it would be a good thing to publish some of these old poems. But it was not till within the last

forty years that these great monuments of an earlier age received the serious study which they deserved. The remarkable revival of interest in them which the last half-century has brought about, and which is not the least striking chapter in their history, is described in detail in the last sections of M. Gautier's Introduction.

It remains for us to speak in a few words of the Notes and Vocabulary which form the second volume, and which are extended to unusual proportions. Into the former are introduced not only critical discussions of doubtful readings, but numerous monographs on the heroes of the poem, on most of the other *Chansons de Geste*, and on points of geography, archæology, and feudal law, which are connected with the poetical literature. They serve, therefore, as a valuable help in the study, not only of this particular poem, but of all the class of works to which it belongs.

The Glossary will be found hardly less widely useful. The aim of the author has been to give not only every word, but every form in the text, with its appropriate description, definition, and etymology, and the indication of the line where it occurs. That there are in it some omissions, some inaccuracies, some conjectures which may fairly be questioned, does not prevent it from being very full and trustworthy, and, in the absence of any complete dictionary of old French, it cannot but be welcomed as an important aid to the study of the language of the eleventh and twelfth centuries. It is so arranged that a beginner can use it, and no one who wishes to acquaint himself with the oldest literature of modern Europe can find a more satisfactory text-book for the commencement of his studies than this edition of the *Chanson de Roland*.

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9. — *The Life of John Warren*, M. D., Surgeon-General during the War of the Revolution; first Professor of Anatomy and Surgery in Harvard College; President of the Massachusetts Medical Society, etc. By EDWARD WARREN, M. D. Boston: Noyes, Holmes, & Co. 1874. 8vo. pp. 568.

Most timely is the appearance of this substantial volume, containing the biography of a man who filled with distinguished ability and fidelity many prominent places of high trust and usefulness in our Revolutionary era. As the centenary of the stirring events and the momentous issues of that epoch is now engaging the thoughts of multitudes in this great enfranchised nation, and local and general celebrations are prompting a new generation of readers to acquaint

themselves at first sources with the incidents and the chief actors in it, a volume like this will be especially appreciated. It is a monument of grateful filial regard offered neither too soon nor too late for the honor of the dead and the instruction of the living. There is also an air of old-fashioned simplicity, homeliness, directness, and general artlessness about the style and tenor of the book which will give it an especial charm to readers of our current literature.

John Warren, born July 27, 1753, was the youngest of the four sons of a worthy and industrious farmer in Roxbury, Massachusetts. His mother, who lived to a good old age, was a fine specimen of the softened type of the Puritan matron. When John was but two years and three months of age, he saw — always afterwards remembering the sight — the body of his father, who was killed by a fall from a tree in his garden. His oldest brother was the eminently beloved and honored and zealous young patriot, General Joseph Warren, who, having just completed his thirty-fourth year, fell at the battle on Bunker's Hill, June 17, 1775. John graduated at Harvard College in 1771, having maintained himself through his course there by his own exertions. He had early a taste for medical and anatomical studies, and pursued them with such means and helps as time and place afforded. Little aware of the strife that was soon to sever Americans and Englishmen, he formed a copartnership for twenty-one years with a surgeon of the British army. He went for a time to Salem, with a view to establish himself there as a physician. But he found the practice there in the hands mainly of the famous Dr. Holyoke, who, though very kind to him, was evidently in the way of the success of the young aspirant. He intimates in his letters that he would have to wait for much professional gain till the career of Dr. Holyoke should close; little thinking that he would have to wait fifty-five years longer for that eminent centenarian — who outlived him fifteen years — to finish his course, in 1829.

John, Joseph, and another of the brothers, were witnesses of the affair at Lexington and Concord on April 19, 1775. John was at Salem, and heard the booming of the cannon at Charlestown on the day of the battle on Bunker's — or, rather, Breed's — Hill, not knowing, yet fearing, what it was to cost him in the life of his eldest brother. He came to the American camp at Cambridge and Medford the next day, and after all his anxious inquiries could not ascertain till many days after the fate of that brother. It was not till the 21st of March in the year following, just after the British army, still in their fleet in the harbor, had evacuated Boston and Charlestown, that, visiting and searching over the mounds and pits of the battle-field, under

the guidance of an Englishman who had seen his brother buried, the body was disinterred, identified, and taken to Boston for reinterment with public honors. Another brother accompanied him on this sad visit to the battle-field. He very touchingly records in his journal with what burdened feelings he walked over the mutilated ground, not knowing but that he was treading upon the dear remains of his brother.

Though of a gentle and tender nature, the young physician was stirred to an entire consecration to the cause of his country alike by his private grief and by his sense of the oppressive and tyrannous course of Great Britain. He immediately went to the camp of Washington at Cambridge, and was there appointed hospital surgeon in 1775. Amid the other discomforts of the raw and unfurnished camp there was much and very fatal sickness, especially from dysentery. The horrors of small-pox were then at all times and in all places hanging in dread over the people; and it may be mentioned here that Dr. John Warren was from the first a most fearless and devoted student and observer and practitioner as to all the forms of that disgusting malady, and espoused most effectively the successive methods of inoculation and vaccination in special hospitals and in houses.

He followed the army in his professional capacity to New York and the Jerseys, and gave all his unselfish heroism and zeal to the patriotic cause, patiently bearing his share under all the perplexities, jealousies, and grievances which embarrassed the public service. From the pages of this biography we may gather many striking and instructive hints in the single department of hospital and medical service, as from the numerous biographies and histories and monographs of the time in more general financial, political, and personal relations, of the distractions, animosities, delays, cross-purposes, faltering and desponding crises, through which Congress, Washington, jealous generals, and other officers, and officials of all sorts, and the burdened and tax-exhausted people, wore their painful way through the seven years of strife. Even Dr. Warren, discreet and unselfish as he was, was wellnigh brought into the category of those who mistrusted the "Fabian policy" of Washington, and could at any rate understand why there should be a "cabal" against him. But Warren, like every other wise and true patriot, to the end of his days assigned to the great chief a pre-eminent and unrivalled supremacy in virtue and all goodness and grandeur. The perspective in which we may see what there was so perplexing and distracting in part harmonizes, and for the rest accounts for, the delay, the discord, and the passion.

Dr. Warren, having obtained an appointment to the charge of a mili-

tary hospital in Boston, was married in the autumn of 1777 to a daughter of John Collins, the Quaker governor of Rhode Island. In her he found a faithful, noble, and congenial companion to share with him his patriotic zeal, his public spirit, and his professional devotion. As another characteristic of the old-fashioned flavor and details of the volume before us, it may be mentioned that Mrs. Warren was the mother of nineteen children. The biographer, one of this flock, is confiding enough to tell us, what the reader would be likely to infer, that she did not nurse them. Sixteen of these children were born in twenty-three years. If we are not under a mistake, the biographer himself has found as a partner for life one out of an equally numerous flock of the children of one father.

From the date of his marriage till April 4, 1815, when he died, at the age of sixty-two, Dr. Warren remained in Boston, holding rank as the leading physician of the town, and attaining the largest and most conspicuous practice. He was a very busy man, and as his public spirit made him foremost in all exciting and important measures he lived in much hurry and bustle. Those who remember him authenticate the traditions that, whether on horseback, in chaise, or sleigh, as he was on his professional rounds, he drove so rapidly and furiously that every one, including engine-men, gave him the right of way through street and road. It appeared sometimes as if he was interested in multiplying surgical patients with bruises and compound fractures.

We seem to be led back through the beginnings of things, so far as they concern the agencies which have developed many of our scientific, professional, and educational institutions, and the aspects of social, conventional, and cultivated life in this city and neighborhood, as we read the latter half of this biography. We gather from it vivid ideas of the disturbed, unsettled, and formative period which succeeded to the Revolution. The further complications of our own incipient Republic, State and national, the exhausted condition of trade, manufactures, commerce, and all industries, the embarrassments attending the collection of taxes from those who had nothing with which to pay them, the existence of a worthless currency, the hostility to the processes of the courts, before which every one was likely to be either a suitor or a defendant, the breaking up of the old order of society, with the tossing of the dice for a new arrangement, and the general crudeness of all the materials and methods for renovation and a new set forward, — all these were conditions which made large demands upon the wit and talents of men like Dr. Warren. Then came the strife of political parties; French and English partisanship and

animosities ; Jay's treaty ; the embargo and the new war with England, sprinkled in with visitations from the yellow-fever and other diseases. Dr. Warren, always surrounded with private medical pupils, was the organizer of medical societies, associations, and schools, a most diligent and venturesome agent in the then odious enterprise of securing subjects for anatomical demonstrations, the first Professor of Anatomy and Surgery in Harvard College, and one of the first Fellows of the American Academy of Arts and Sciences, contributing to its Transactions many valuable papers. He was distinguished for his thorough investigation and use of the method of mercurial practice. He took leading rank as a Freemason, and an orator in the Fraternity. He spoke forcibly at political meetings in Faneuil Hall. He was heartily and zealously engaged through all his life in researches and experiments for the better understanding and the wiser treatment of all diseases. He filled the highest place in his own especial form of service, and a high place in many others. His son and grandson, who succeeded to many of his professional responsibilities, have already followed him in death. A great-grandson, bearing his own name and that of his wife, is in the same career of duty and honor. It was well that the biography of such a man should be written, and its perusal will instruct, quicken, and encourage.

10. — *Gothic Forms applied to Furniture, Metal Work, and Decoration for Domestic Purposes.* By B. J. TALBERT, Architect, London. Boston : James R. Osgood and Company. 1873.

Art Foliage for Sculpture and Decoration. With an Analysis of Geometric Form, and Studies from Nature of Birds, Leaves, Flowers, and Fruit. By JAMES R. COLLING, F. R. I., B. A. Boston : James R. Osgood & Co. 1873.

Examples of Modern Architecture, Ecclesiastical and Domestic ; Sixty-four Views of Churches and Chapels, Schools, Colleges, Mansions, Town Hall, Railway Stations, etc. Many with Plans attached. Erected from the Designs of S. S. SCOTT, R. A., S. E. STREET, etc. Boston : James R. Osgood & Co. 1873.

THE *Dictionnaire du Mobilier français*, by M. Viollet-le-Duc, is the best authority we have as to the furniture in use in mediæval times. Invaluable as it is in many ways, it has been pointed out as a remarkable proof of how very little remains to us of mediæval furniture, while mediæval manuscripts and paintings give us very little as precedent in the designing of Gothic furniture for modern

uses. We occasionally see old "armoires" like those at Noyon, and much more often the "bahut" or chest which held corn or linen, and served as treasury and bed or simple seat. This was the most common piece of mediæval furniture. The Munich Museum possesses an ancient Gothic bed with wooden canopy; but although others doubtless exist, those in the *Dictionnaire* are all from manuscripts. A table with benches for several people completes the list of ordinary furniture; for until the sixteenth century the chair seems to have been mainly a fixed object more resembling a church stall or throne than our chairs.

Now while the exterior of a mediæval building, its modes of roofing and lighting, often meet the requirements of and aid the designer of to-day, the same is not true of the furniture. "We want chairs, not stalls or thrones; tables, not banqueting-boards; sofas, rather than settles; and chests of drawers instead of chests." A new and untried field was thus before the advocates of the revival in adapting Gothic design to the modern requirements of furniture.

Pugin published a series of designs of furniture, like all his work, in the later style. They served their purpose in their day, but there are few now who, even did they admire affectation of antiquity and lack of comfort, would advocate the rich but mechanical decoration of the style in which they were designed. In truth, they serve the designer of to-day about as little as the archæological researches of M. Viollet-le-Duc.

Mr. Talbert has met the work in an entirely different spirit from Pugin. Recognizing modern needs and such good modern usages as obtain in the joiner's trade in our day, he has simply applied to them picturesque forms and pure Gothic detail without mimicking the work of past ages. Recalling old Gothic "armoires" at Bayeux covered with painted subjects, he suggests the stencilling of design in color on plain pine furniture. The inlaid cabinets of Florence have, perhaps, suggested inlays of boxwood and ebony, and these and other precious woods he masses in small portions of a rougher framework in place of using them as thin veneers on a larger surface. The suggestion of *portières* and curtains roughly embroidered in rich colors and original designs makes us hope that this work may some day take the place of common embroidery with our ladies. Inlaid tiles or mosaic subjects bring to mind many Italian beauties; but all this designing, while it is Gothic, is by no means antique or monastic, but recalls modern art or sentiment.

This is the spirit which in other branches of architectural designing has since the days of Pugin been gradually coming over the English revival, and which has brought the school to its present

position and promises it so brilliant a future. An English architect, unless engaged in restorations, would rarely now think it necessary to have precedent for his mouldings or carvings, still less for any arrangement or design where modern needs would be better served by varying from old examples. In the matter of furniture and decoration, all this is well set forth in a book lately reviewed in these pages, and which has been very popular in this country. But Mr. Eastlake's book on household taste, although healthy and refreshing in its arguments, is illustrated with designs which to most of us seem uncouth, heavy, and ugly. Mr. Talbert's designs are the reverse of all this, and explain Mr. Eastlake's text of the first-mentioned book in a manner much more attractive to most people than his own drawings.

The English edition of Mr. Talbert's book has for some years been published. The drawings are executed with spirit, and he shows a great freedom and fertility in the designing of Gothic detail. They leave one with a feeling that they are in Gothic spirit for no reason of affectation, but because the style bends readily, and is well suited to picturesque and graceful designing.

The style of furniture illustrated by all these books has come very much into vogue of late. It is the fashion to have "Eastlake furniture." Like many other fashions, this is often only for the sake of a change, and generally the furniture has only the appearance of these designs. You can often see a mortise where the pretended tenon is glued on, with the grain running crosswise to that of the piece it is supposed to form a part of. On the other hand, in a country where a solid wood door is utterly unservicable, we question if panels with common mouldings are not quite as good constructions as the chamfered door rails which alone are considered in style.

All these writers sympathize, it is true, with the Gothic revival, but their spirit is as good for one style as another. The style has little to do with it. Probably better furniture never was made than that dating in Italy from the sixteenth century. Have your furniture strong and serviceable, whether in Gothic or classic taste. Avoid affectations in style. A Roman curule chair is as unfit for our uses as a Gothic stall. Beyond all, decent and modest simplicity is better taste than poverty beneath an appearance of luxurious, custom-made ornament. This is what these books aim at. To have "Eastlake furniture," as at present understood in this country, become popular would be no gain. To have the main principles set forth in these books come into vogue, for classical as well as Gothic designing in all our ready-made furniture, would probably be too much to hope for.

Nearly all ornament not inspired by foliage disappears from Gothic

art during the thirteenth century. Decorative and valuable as the pearls and interwoven bands and rosettes and other Eastern treasures of the Romanesque period were, this loving study of field flowers is a better legacy to have come down to us with the Gothic traditions. The classical designer contents himself with dentils, modillions, egg, and dart, or the anthemion ornament and beading, — ornaments all the more effective, perhaps, because of their entire lack of intrinsic meaning, — all the richer as being ornament for the sake alone of ornament. In comparison with this rather cultivated contentment, the study of nature seems more pleasing. An art which can bring suggestions of fields and flowers into the bustling city street has already one argument in its favor.

Colling's "*Art Foliage for Sculpture and Decoration*" is a book which has well been published at the same time with Mr. Talbert's. The two books are written with the same intent, — that of reviving the traditions of mediæval art in the spirit rather than in the letter. It treats of form in general, of inlays, diapers, and colored wall decoration, and of all the various objects — enriched mouldings, capitals, crockets, and finials — to the design of which foliage has been applied. Some of the drawings, like the stone finials and crockets designed from conventionalized clover-leaf at morning and evening, some of the centres, the panel of oak-leaves, the spandrel, with the nondescript animal ending in leaves of red bryony, are very beautiful, while the drawings of natural foliage at the end of the book are useful and delicately executed. We wish our designers of wall-paper or carpets could be brought to study from plates 11, 12, and 13. On the other hand, nearly all the capitals seem unsuccessful, while still other plates, like that illustrating the blade and the tares, if not just as one would wish them, are still full of suggestions of what might be, — and to make such suggestions is in fact just the object of the book.

Just how far the imitation of nature should prevail in architectural work is, however, one of the nicest questions of art. Without doubt, pure conventionality gives greater dignity, and shows perhaps greater power in the design. But the world in general will pass the most exquisite group of conventional capitals day after day, and pay no more heed to them than to the Doric or Corinthian caps across the street, while a little touch of something familiar in the mass, a rose, a fern, hawthorn, or a vine, will delight every passer. Probably the most successful carvings — of capitals, for instance — are neither purely conventional, nor yet natural bouquets fixed in stone, but those where the bell and the angle brackets are purely conventional

and constructional, and where just enough realistic carving is added to make the whole interesting to ordinary people. A fern unfolding in the curve of the angle bracket, or a rose at the joining of the brackets, will charm all and attract notice to the conventional suggestions of foliage, or the pearls and zigzags which may less obtrusively ornament the rest of the cap. We are fast getting over the idea that a building with a pointed arch must of necessity belong to some religious "denomination," and with this progress we may hope to see more of such carving in our streets. Already many English carvers gain their living in our cities. There must be a dozen at least in Boston this winter. While it is a natural thing to think of this carving as expensive, it is far from being so. The best carvers, capable of exquisite carvings, get five dollars per day, and a few days' work will accomplish much. A small sum spent in carving, if concentrated on some one point, will give more interest to a building than much more money spent on string courses or ashlar. Like richness in every other form of art, it should be massed and contrasted with quiet spaces. Gathered, however, on some single-shafted window, chimney, or decorated panel, a proprietor who might admit of many scattered beads and chamfered stops and decorated bands will be too apt to do away with the ornament as unnecessary.

It is evidently Mr. Colling's idea that this foliage should be engrafted on all styles indiscriminately. How far this is judicious is questionable. He longs for "a new style for the nineteenth century," and it was undoubtedly by a similar addition of Eastern details that the Romanesque foliage sprung from the debased sculpture of late Roman days. But such mixtures of style with very different sentiments at the start are manifestly to be made with caution. It is to be remembered that perhaps the very attraction and value of the conventional classical decoration lie in great part in their absence of meaning anything but refined richness, and that the giving of interest to small details may detract from the effect expected alone from breadth, proportion, chiaro-oscuro, and refinement.

Whatever Mr. Colling's views may be about the adaptation of natural forms to the ordinary classical decorative numbers, it is clear that he is most at home when working in a Gothic spirit. It is in this way that his book has been and will be most useful. While it will interest the general reader, for any one who has frequently to design decorated Gothic work it is the very best book of reference.

Another book which Messrs. Osgood and Co. have reproduced is the "*Examples of Modern Architecture.*" This is a collection of the main interesting Gothic designs. All such collections are valu-

able to us in the United States, where we have so little good work to refer to. A better book than this, however, could be made from selected leaves of the "Building News" journal. Indeed, a book illustrating this period of Gothic art, without any designs from Shaw and Nesfield, Burges, Godwin, Clarke, or Waterhouse, and with only one design of Street's, and that by no means a characteristic one, can hardly expect fully to reflect this style. But the designs are many of them very good and nearly all interesting, the churches being much better than the domestic architecture. A church and a school by Mr. Blackburn, a church by Mr. Bodley, and Sir Gilbert Scott's work at Wellington College, are very good. This book and the two by Messrs. Talbert and Colling have been reproduced by the heliotype process. It is extremely unfortunate, however, that, with all the advantage of heliotype, the price cannot be put where draughtsmen can buy the books. Architects had bought or were buying the English edition. Draughtsmen can buy one no more than the other. The market demand has probably caused the publication of these three books full of Gothic spirit, rather than the many classical ones which might be selected. This influence can but react on the architecture if these books meet with a ready sale, as without doubt they will, unless the price prevent.

In this connection we find ourselves again at the question of style referred to above. Classical and Gothic principles at this time find their strongholds respectively in France and England. In both countries the interest in art is strong, and both schools are healthy, vigorous, popular, and faithfully represent the public ambitions and dispositions. Neither of them advocate or permit servile copy or imitation, but both readily adapt themselves to modern wants, and, while not disguising them in ancient dress, treat them in the spirit of the art traditions in which they find themselves most in sympathy. The French style of to-day admits of a freedom of form and picturesqueness of outline borrowed from the days of the Renaissance, while it is customary to refine the mouldings and ornaments with classical delicacy and the living curves of Greek art. The Neo-Grecque style is, in short, the ingrafting of Greek lines upon the Renaissance body. It has been argued that, now that building with the lintel, the arch, and the truss has been invented, representing support by compression, tension, and transverse strain, architecture can no longer be a living art. As well insist that, since most metres have been used by great writers, we can have no more living poetry. The classical architecture of France has been a living growth, and has seldom been a servile imitation of other countries. The *grandeurs*

of the Louis XIV. façades and colonnades, the grace and delicacy of the medallions, garlands, and ribands of Louis XVI., the extravagant, ostentatious, but always refined, splendor of Napoleon III., are a natural and living growth, are all full of originality, faithfully and honestly tell their story, and reflect the characters of the nation at the different periods. They are not reproductions of Greek or Roman work; but the peculiar tastes of the people could be as well told from their buildings as that of the ancients from theirs. There is one thing which probably could not be learned from their buildings, and that is that their builders were Christians, and of this point the advocates of the Gothic style make the very most. It has been said by Mr. Owen Jones, that, as the architecture of most ages has reflected the religion of the day, so our architecture fitly suggests the worship of mammon, and surely this point is not without strength. The member of the church who feels in harmony with Christian Gothic only in church on Sundays may readily be charged with keeping his Christianity for Sundays as well. Mr. Ruskin, again, in his argument on the subject, extending through the "Stones of Venice" and other books, makes much of the degrading effect of demanding from the artisans exact mechanical imitation, in place of work into which their minds and hearts grow.

These arguments, however, are not as substantial as others. What brings the Gothic style home to most people is its freedom and picturesqueness, its ready adaptation to modern forms and requirements, and its use of any materials and colors modern resources can supply; above all, it is in its suggestions of nature in finial and crocket, capital and bracket. From an art which sends you sketching in fields and forest, and hunting for ancient detail in hoary old cathedrals, it is dreary to most of us to turn too quickly to Vignola or Sir William Chambers as our authorities.

Fortunately for us, classic authorities of wider fancy have gone before us; but style is a matter of sentiment, after all. Language compels us to use the words *right* and *wrong*, *truth* and *falsehood*, where there is little or no morality in the case. True, our sentiments should be trained in high ways, but from our very nature we may prefer breadth, chiaro-oscuro, refined proportions, correct conventional-ity, and cold but harmonious majesty to picturesqueness, variety, the study of nature and color, and the evidences, however rough, of a stirring human mind. It is just in this way from a general cast of mind that an admirer of Milton's poems will probably see more in St. Paul's Cathedral than in a Gothic church; the one, as has been said, being the Bible narrative as a Greek epic, the other a Christian church in the guise of a Roman temple.

However skilful the argument may be made, even Ruskin will hardly convince most men that morality is concerned in their preference of one style in architecture to another. Architecture will always indicate the character of the builders. Even copying from other ages indicates the extreme spirit of the pedant and archæologist. In this way the style may show poor character in the builders, but, after all, style is only the medium of expression, as language is to a poet, and color to the painter. So much so is this true that a building of purely Classical detail can often be quite Gothic in its real character, and the reverse as well. The Frenchman is brought up in classical tradition, and can see no fitness or attractions in the noble municipal buildings now going up all over England. An Englishman respects the drawing perhaps done in the Parisian École des Beaux Arts, but is serenely contemptuous of this continual study of ancient art in place of nature, — of the Greek and the Renaissance models in the very birthplace of Gothic art. It is always pleasant to feel that you alone are in the right; but we Americans are born to the traditions of neither school. As in many other things, we have to look the whole field over, and if it seems as though strict application from the beginning to one style would win a nobler result in that style, we must remember that the wide experience which is our portion is no loss to the individual. In point of fact it is extremely interesting to note the growth of different styles in different cities, — in Boston and New York, for instance. While there is a small but extremely earnest school of Gothic architects in New York, their work other than in the churches is hardly noticeable in the shadow of the great Renaissance palaces, which in size and splendor at least would outvie any on the Grand Canal at Venice. On the other hand, in Boston a large proportion of the largest and most expensive buildings are in the Gothic style, while black brick, chamfers, gables, finials, and carved foliage on many more modest buildings show what promises to be the school of that part of the country. But for American architects to quarrel about style as yet seems premature. Let us have any style, but quarrel first with other faults, — the national love of show, the love of cheap ornament in profusion instead of the same amount spent in what is choice and refined. It is natural to expect a poor man to pretend to a luxury which only wealth permits, and sacrifice comfort to being conspicuous. But with us this is a national vice in all ranks. The other failing most before us is a lack of appreciation of what style does mean, and how much historical association should justify us in mingling styles. As an actual fact there is no reason why we should not admire a composition contain-

ing at the same time caryatides, Gothic foliage, classical columns, and arches of the various kinds used in different ages or countries. Indeed, it has been by just such impositions that the art has grown; and while the Roman did not consider it amiss to decorate his vaulted constructions with Grecian art, or the mason of Charlemagne's time hesitate to give an Eastern character to similar forms, so we are not shocked, but rather gratified, to see in old cathedrals the round arches and Norman decoration mingled with the Gothic of later additions. Still it is evident that this too fine mingling of styles is for some reason to be avoided. Architectural design may not unappropriately be compared to language. Our mother-tongue has grown by combination of other tongues, and has been strongly influenced by contact with still others. As our conversation shows traces of Saxon and Latin and French, and has many local peculiarities, so it is perfectly natural that our design may show a mixed origin. As, however, a writer of good taste would avoid inserting too frequently French or German words or phrases in a composition where they yet may occasionally help to carry out the meaning; so a design would be in bad taste, which, introducing details of different styles, although constructively used, should still suggest different inharmonious ages and sentiments and intentions in art. Modestly and harmoniously done, such design may be extremely good; but buildings like those on the Maximilian Strasse in Munich, where tranquil Greek caryatides are flanked by twisted Italian columns, and surmounted by ogee arches, are both inharmonious and shock one's historical associations.

Mr. Godwin has remarked in a late review, that to know what had been done was half a student's work. These books tell us what is doing, and are an excellent selection among modern books. It is to be hoped that the publishers will put the heliotype process to still better uses, and give us, at rates which a draughtsman can pay, some of the standard works on Tuscan architecture, the age of Louis XVI., the French Châteaux or Italian Gothic, as well as the works which they advertise as in prospect. We have to thank them heartily for a good beginning, and call for more.

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11. — *Raphael of Urbino and his Father, Giovanni Santi.* By J. D. PASSAVANT, formerly Director of the Museum at Frankfort. Illustrated. London and New York: Macmillan & Co. 1873.

HERR PASSAVANT'S work was originally published in two volumes, in 1839, and was entitled *Rafael von Urbino und sein Vater, Gio-*

vanni Santi. A third volume, containing many additional particulars, was published in 1858. For a long time the work was known only to German scholars, by whom, however, it was held in very high esteem. Two years later, a new revised and enlarged edition appeared, which was immediately translated into French by M. Jules Luntenschutz, and, with many valuable annotations by M. Paul Lacroix, was published in Paris, in two closely printed volumes, containing upwards of twelve hundred pages. These volumes contain all that is known of the life of Raphael, together with very elaborate accounts of his immortal works.

The English translation, now before us, was made from the French edition. In the present work, the translator has skilfully pursued the method of condensation; all the facts and opinions embraced in the original are here given, but in fewer words; certain passages, of minor importance, have been abridged, or in some cases wholly omitted, but never without reference to the French translation. An essay on the genius of Raphael, a dissertation on the works of his pupils, a history of the Santi family, and a catalogue of Raphael's sketches and drawings, have also been discarded, as being, in the opinion of the translator, of little interest to the general reader.

The author spent eight years in Italy, besides the time given up to researches in other lands. Neither were these years spent in vain, but almost endless tasks were met by countless rewards. The good fortune which he so deservedly encountered is made evident upon almost every page of his learned work. This work, therefore, is most valuable, as much for its stated facts as for its clear and masterly conception of the great artist's productions. But one fault of Passavant's we can hardly overlook, that is, his partiality. Like many another biographer, he is prone to look too favorably upon his hero, and to forget that others lived and labored closely with him, and is thereby led to speak oftentimes with open injustice. To the mind of our author, Michael Angelo was a wretched, scheming, and ill-natured sort of a being, while Correggio was no one to boast of! Aside from this fault, Herr Passavant stands eminently above all other biographers of Raphael.

We believe that the author has forever settled the truthfulness of the disputed date of Raphael's birth. Pietro Bembo, in his inscription on the tomb of Raphael, says that the artist died on April 6, 1520, on his thirty-seventh birthday, "day by day." Muzio Oddi, in the inscriptive tablet placed on the front of the house in which Raphael was born, gives April 6, 1483, as the day of his birth. Passavant remarks: "From the circumstance that April 6, 1520, was

Good Friday, Vasari and others after him were led into the erroneous notion that Raphael, as he died on Good Friday, was also born on Good Friday, overlooking the fact of this day being a movable feast."

Perhaps the most truly valuable portion of the volume before us is that embraced within the last one hundred pages, and which treats of the artist's works, more specifically of his existing paintings. These descriptions are chronologically arranged, so that any one who wishes to study the progressive character of Raphael's works may do so with facility and satisfaction. These descriptions, æsthetically regarded, are generally accurate, comprehensive, and judicious. This portion, it may be remarked, is *not* abridged from the original volumes.

We consider the translation a good one, and altogether worthy of being favorably received. And the volume, taken as a whole, with its twenty full-page illustrations, reproduced by the Woodbury process from the finest engravings, its beautiful typography and attractive binding, is justly to be commended to art-lovers as a sumptuous and almost perfect specimen of its kind.

12. — *Introduction to Roman Law*. In Twelve Academical Lectures.

By JAMES HADLEY, LL.D., late Professor of Greek Literature in Yale College. New York : D. Appleton & Co.

To many persons who have long been familiar with the name of the late Professor Hadley as a great Greek scholar and comparative philologist, it will no doubt appear somewhat singular that the largest and most elaborate work he has left behind him is a course of lectures upon Roman Law. They are an extremely interesting evidence of the versatility of his powers and of the wide range of his studies. It would seem from the Preface to this volume that there was something accidental in the circumstances which led him at the outset to pay any special attention to this subject ; but after his interest was once awakened, his powerful natural aptitude for such studies, and his deep conviction of their interest and value, — "to the student of history and the man of liberal culture, as well as to the expectant lawyer," to quote his own words, — led him to pursue them long and deeply, as these lectures sufficiently indicate. He recognized fully and sympathized with the great revival of Roman-law studies which, beginning in Germany, under the influence of various causes, in the latter part of the last century, and mightily stimulated by the genius of Niebuhr and Savigny, and by the discovery of new sources of legal and historical knowledge, especially the commentaries of Gaius, has

slowly communicated itself to England, and, there co-operating with a movement in favor of law reform, in which Bentham, Brougham, and Romilly each bore a conspicuous, though apparently independent, part, has already produced great changes in legal thought and study, and gives promise of still greater changes in the near future. The subject of general jurisprudence and the problem which it suggests, how best to reduce the various and complex elements of English law to an harmonious and scientific form, have become more prominent and engrossing; and in the consideration of these subjects Professor Hadley took a lively interest. Indeed, the bias of his mind towards legal studies had become so decided that, during the last years of his life, he repeatedly declared that this department was more congenial to him than any other, and that, if circumstances were favorable, he would gladly devote to it his undivided energy. At the time of his death he was prosecuting zealously the study of international law, while he was teaching it to the Senior Class of Yale College, and was also engaged in preparing a course of lectures upon the fundamental principles of jurisprudence.

This volume, therefore, to which the editor has given the appropriate title of "Introduction to Roman Law," is but a partial representation of the extent and variety of the author's legal studies. The book was prepared as a course of lectures to the Senior Class of Yale College, but they had also been read twice at least before the students of the Yale Law School, where an acquaintance with the elements of Roman law has become a regular requirement. They had, besides, been delivered once at Cambridge, in the post-graduate course of Harvard University, and had been received there with great favor.

Though in the form of lectures, and having few external marks of unity, the book forms a definitely conceived and coherent organic whole. In the author's words, it aims to treat of the "history and system" of the Roman law, and may thus be regarded as composed of two unequal parts. The first four lectures are devoted to the former subject, and the remaining eight to the latter. In the historical portion of the work are treated, in the following order, the *Corpus Juris*, its component parts, the history of its compilation, and some of its general characteristics; the history of the Roman law in Western Europe since Justinian; the Roman law before Justinian; and the progress of the law during the republican period. The necessity of history for the comprehension of the Roman-law system, and of any law system, is vigorously stated, and clearly illustrated in the third and fourth lectures. There is, in treating this topic, neces-

sarily some anticipation of matter strictly falling under the head of *system*, sufficient at least to make clear the exceedingly formal and technical character of the early law, and to show how its deficiencies and narrowness were, without recourse to direct legislation, remedied by the supplementary mass of law, which became gradually embodied in the prætor's Edict. An interesting account is given of the juriconsults, to whom in the main the amelioration of the law was ultimately due, though the prætor's official recognition of their views by the adoption of them in his Edict was in earlier times necessary to give them legal authority. "In general the prætor was not an elderly lawyer, but a middle-aged politician. In matters of delicacy and difficulty he was naturally dependent upon the advice of the juriconsults" (p. 61). Whether it can be asserted that the Edict was "not a law nor a body of laws," but merely a "body of information" (p. 94), will depend upon the precise significance attached to the term *law*. By the followers of Austin the Edict will be regarded as equally entitled with formal statutes to the name of law, and distinguishable from them chiefly in the mode of its promulgation. The position of the author, however, is the one held by leading German civilians, and coincides with the view of Gaius (Book I. § 6).

In treating the *system* of Roman law the author follows in the main the arrangement adopted in the Roman institutional books, and which is called in Germany, in distinction from other arrangements, the *Roman system* (*das römische Institutionensystem*). The only cases of departure from this arrangement are in treating obligations before inheritance, and inverting the Roman order of testamentary and intestate inheritance. The former, as may be inferred from the beginning of Lecture XI., is due to the fact, which critics have frequently pointed out, that a knowledge of obligations is indispensable to the clear conception of a universal succession, or a succession to that aggregate of rights and duties styled *universitas juris*, of which the inheritance (*hereditas*) consisted. Testamentary inheritance is placed after intestate inheritance, apparently because of its more modern origin, and because it was a development out of the former. There may have been the additional reason, that in this way the author was able to set forth the principles and details of the whole complicated subject more clearly. These two lectures illustrate, perhaps, better than any of the others, the author's power to present the controlling principles of a subject, and to group intelligibly what is often but a confusing mass of detail.

The book will thus be seen to be a complete *institutes* of Roman law, aside from the law of actions. It gives an outline of that por

tion of the whole body of private law which, in contradistinction to the law of actions, has sometimes been called by English writers *substantive* law, and is styled by German writers "*das materielle Recht*." It is known that the author designed to add at least two lectures to this series, and there can be little doubt that these would have treated the subject of Actions, to which the fourth book of Gaius and the bulk of the fourth book of Justinian's Institutes is devoted. It is greatly to be regretted that this purpose of the author, which by many circumstances we are warranted in assuming, was not carried out. It would have completed the exposition of the entire system of Roman private law, and would have furnished full illustration of the processes of the historical development of legal principle and procedure, clearly but briefly indicated in Lecture IV., by which a long succession of prætors, representing the most advanced legal sentiment of their day, liberalized and enlarged the old law through the introduction of new actions and the recognition of new defences (*exceptiones*), as in England a similar work was effected chiefly through the agency of the chancellor.

In the execution of the plan upon which, as has been seen, the book was framed, the author has rigidly observed the rule he lays down at the outset, and which must be borne in mind in criticising the entire work, namely, "I shall try to remember that you are hearers only, not readers, and that I must not pack the matter too closely; that I must avoid at once a brevity of statement which you would find unintelligible, and a multiplicity of details which you would find confusing and wearisome" (p. 3). The leading principles of each title are set forth in bold relief, in striking and pregnant statements, and only such details are admitted as are needed for the clear exposition of the scope and application of principles. A rigorously logical and philosophical mind is apparent on every page. The style is characterized by peculiar precision and frequent felicity of expression, and is often enlivened by colloquial vivacity and even humor. There is a considerable body of Latin technical terms, and some very useful quotations are drawn from Gaius, illustrating the highly formal and technical transactions of the earlier law; but they are accompanied by terse and close translations, which recall to the reader the remarkable translations in the author's "*Greek Syntax*."

In the exposition of the law under its various heads there is no attempt to exhibit the current law of any particular period. The essential nature of each legal institute is set forth, together with the most important phases of its development. Wherever Justinian introduced any change regarded as material, the fact is stated, but there is mani-

festly no disposition to regard as representative Roman law what rested mainly upon his legislation, when the system had in many respects lost its theoretical symmetry and its peculiarly Roman character.

Much valuable illustration, both of doctrine and of history, is drawn from the English law. This is particularly noticeable in the lecture on "The Progress of the Law," etc., where is pointed out the identity of some of the liberalizing processes which operated in both systems.

A very striking instance of the author's power to make a new conception clear is found in his definition and illustration of agnatic relationship, at the beginning of Lecture VI.

It may be doubted whether the distinction between cognates and agnates was ever pointed out in a way to be more readily and completely apprehended by a learner.

This it may be worth while to quote in full :—

"Suppose that some person now living, of the name of Winthrop, descended through father, grandfather, great-grandfather, etc., from old Governor Winthrop of Massachusetts, who died in 1649, should make out a complete genealogical table, including all the descendants of that remote ancestor. He would give first all his children, then all his grandchildren, the children of his daughters as well as of his sons; then all his great-grandchildren, the children of granddaughters as well as of grandsons; and so on for each generation, giving the descendants of females equally with those of males. The list would naturally include many persons of other names than Winthrop; and all these persons would be *cognates* of each other. But suppose, now, that he should make another and more restricted list, containing only those whose connection with the common ancestor could be traced through males alone. He would first give all his children as before, daughters as well as sons. He would give next the children of his sons, but would exclude the descendants of his daughters. He would then give the children of his sons' sons, but would exclude all descendants of his sons' daughters, and so on. Such a list would include only persons of the name of Winthrop. It would include females who had that as their native name, but would not include their descendants, born in other families and with different names. The persons in this second list would have what the Romans called an *agnate* relationship."

It is a characteristic and very attractive feature of this book, that, though brief and condensed, it has none of the unsatisfactory and repulsive nature which usually characterizes a compend. It is a fresh, original, and masterly *résumé* of the author's views of the subject, derived from long reflection and the study of the original sources and of the best modern civilians, German and French. Among these may be mentioned Savigny, Puchta, Keller, and Ortolan. The acquaintance with the history of English law exhibited in the book was

manifestly derived in part from Spence's History, etc. One cannot fully realize the quantity of fact and principle which is compressed into this short series of lectures without minutely comparing the author's treatment of each topic with the corresponding portions of Gaius and Justinian.

The volume appears, by a favorable coincidence, at a time when the interest felt in England in Roman law is beginning to extend to this country, where hitherto, so far as we are aware, no systematic treatise upon the subject has been produced. As an introduction to the study, especially as a preparation for the reading of the original Institutes, or as a syllabus for a fuller and more minute course of lectures upon the subject, it will have great value. It is peculiarly adapted for the use of college students, for whom, indeed, it was originally prepared, and would make a useful text-book, either as a part of their historical training or to supplement their studies in the department of Latin, in which, strangely enough, there is usually no attention given to what is the most characteristic, and to the modern world the most important, product of the Roman mind. We do not intimate that the Latin scholar must become a Roman lawyer, or that law-writers should in any way supplant, in an undergraduate course, the great literary classics. We merely maintain that, in view of the large number in every college class who are looking forward to the profession of the law, much might be done to give a new impulse to their Latin study, and to show one of its practical bearings, by devoting a single term's work — which might be made optional — to obtaining an outline knowledge of Roman law. During this time, a class composed of good Latin scholars could, under proper tuition, read intelligently, both in respect to language and doctrine, one of the Roman books of Institutes, enlarging sensibly their knowledge of linguistic usage and of history, and laying an extremely valuable foundation for future professional studies.

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13. — *Cameos*. Selected from the Works of WALTER SAVAGE LANDOR. By E. C. STEDMAN and T. B. ALDRICH. With an Introduction. Boston: James R. Osgood and Company. 1874.

IN this volume the editors have brought together many of the best of Landor's charming little poetical pieces, both from those which are distributed so generously throughout his prose writings and from the collections of his verses. The result is a collection of lyrical poems and epigrams — epigrams of course in its classical sense —

such as could be made from no writer of this age. Landor, whose life saw the rise and growth of Wordsworth, Keats, Shelley, Coleridge, Tennyson, Browning, and, indeed, we may add, Swinburne, stood aloof from all by never being a member of any school, not even to the extent of founding one, by the perfection of his verse, which differs from the elaboration of Tennyson by its avoidance of a tendency to affectation, and who is alone in the air of classicality which pervades almost every line of his. What classicality is might be a good subject of discussion for a debating society, but it is to Landor's compression and elegance that we would give the title here. This may be seen in the following quotation :—

“ My hopes retire ; my wishes as before
 Struggle to find their resting-place in vain :
 The ebbing sea thus beats against the shore ;
 The sea repels it ; it returns again.”

While the collection is made with careful choice, so that nothing is included which we could desire omitted, there are two especial favorites of ours which we think deserve a place in the volume. The first is from “ *Pericles and Aspasia* ” : —

“ ‘ *Artemidora ! gods invisible,*
 While thou art lying faint along thy couch,
 Have tied the sandal to thy veined feet,
 And stand beside thee, ready to convey
 Thy weary steps where other rivers flow.
 Refreshing shades will waft thy weariness
 Away, and voices like thine own come nigh,
 Solliciting, nor vainly, thy embrace.’
Artemidora sighed, and would have pressed
 The hand now pressing hers, but was too weak.
 Fate’s shears were over her dark hair unseen
 While thus *Elpenor* spake : he looked into
 Eyes that had given light and life erewhile
 To those above them, those now dim with tears
 And watchfulness. Again he spake of joy
 Eternal. At that word, that sad word, *joy*,
 Faithful and fond her bosom heaved once more,
 Her head fell back : one sob, one loud, deep sob
 Swelled through the darkened chamber : ’t was not hers :
 With her that old boat incorruptible,
 Unwearied, undiverted in its course,
 Had plashed the water up the farther strand.”

The other is the following : —

“ Proud word you never spoke ; but you will speak
 Four not exempt from pride some future day,

Resting on one white hand your warm wet cheek,
Over my open volume, you will say,
'This man loved me!' then rise and trip away."

- 14.—[*The Men of the Third Republic; or, The Present Leaders of France.* Reprinted from "The London Daily News." Philadelphia: Porter and Coates. 1873.

THIS very interesting book is an excellent example of the best sort of newspaper writing. It contains a series of sketches, as the title indicates, of the men whose names are on every one's lips, but of whom there is a very general ignorance in the minds of all such as have not watched French politics with great care of late. They all show just that familiarity with the men treated which only long life in Paris can give, and they are by no means hasty judgments formed by listening to only one side. While they are written with great vivacity, they are very full of information pleasantly conveyed. They show independence of judgment, and a fondness for the French and their ways which is sure to be the result of life in France for those who are not filled with a bitter hatred of it all. Besides the politicians, Thiers, Gambetta, Rouher, Jules Simon, etc., there is space given to some men of eminence in other ways; for instance, we find accounts of Louis Veuillot, Sardou, Erckmann-Chatrian, About, and Victor Hugo. Every sketch is vivid, the writer feels sure of his ground. As an example of his merits, we quote the following from his account of Émile de Girardin:—

"France is as well known to him as his own writing-desk, Frenchmen as the spots of ink thereon. He believes in the 'mission' of France,—an enlightened, diverting, and thrashing mission: that is, France should hold up the torch of instruction and amusement to other nations, and thrash them occasionally for their good and her own. Thus she should have thrashed Prussia, but did not. Why? Was it a visitation? No, a lesson. Next time she will thrash Prussia more completely; and meanwhile by all means let M. Thiers keep his place until somebody else gets into it. What are M. Girardin's politics? As above said, he broaches an idea a day. On Monday his idea is that M. Guizot is the man for France; on Tuesday his idea is that he was mistaken yesterday; on Wednesday he is ready to give the Republic a fair trial; on Thursday he concludes that the only true government for France is the Empire; Friday he withdraws his allegiance from it in a solemn leading article; Saturday finds him agitating with purse open for the *plébiscite*, and being couched on the list of promotions to the Senate, on Sunday, amid the blaze of the Commune, he remains valiantly in Paris conducting a new paper, *La France Fédérale*, and advocates the parcelling of his country into fifteen states, as the model of those in America, with himself probably as President

of the lot. Little consistency between one idea and the other, but in the deduction from each separate idea logic of the most pyrotechnic and bewildering kind. He is all enthusiasm, — a man in whose hand new brooms are sure to sweep clean to-day, and equally sure to be worthless to-morrow."

Although the author has a keen eye for the ridiculous, and is by no means averse to bantering, he is by no means cynical in his writing, nor does he treat serious questions too lightly. In short, we can commend this as a very clever, useful, and readable book, which cannot fail to be of great service to those who consult it.

15. — *Erasmus: His Life and Character as shown in his Correspondence and Works.* By ROBERT BLACKLEY DRUMMOND, B. A. With Portrait. 2 vols. London: Smith, Elder, & Co. 1873.

MR. DRUMMOND certainly was fortunate in choosing an interesting subject about which to write, and one, too, of more novelty than perhaps might have been expected. When we consider the real nature of Erasmus's talents and the position which they gave him in his lifetime, one may wonder at the obscurity, tempered with respect, which has become his lot; but when it is remembered how little part he bore in the great conflict of the Reformation, it is not strange that he has shrunk into a certain insignificance in comparison with the men who were more active in furthering it. It would be easy for any one of us to blame him for his lukewarmness, — one need only read Mr. Drummond's book to see how easy it was in Erasmus's own time, — but now we can afford to overlook it, in consideration of what he did in behalf of learning and in paving the way for the Reformation.

Above all things, Erasmus was a man of letters. He was enthusiastic about matters of scholarship; and after struggling in defence of learning for the best years of his life, he was naturally averse to any religious excitement that threatened to overthrow all he had accomplished; and whatever may have been the result at the present, it is easy to see that Erasmus had good ground for his fears at the time. What he sighed for was a church that should be favorable to letters. He himself was conscious of many defects in the church of his day, he laughed at the ignorance and prejudices of the monks, he even attacked some of the dogmas; but he wanted the changes to be made from within, and not to be violently introduced from the outside, at the risk of turmoil and confusion. The same keen common-sense which enabled him to detect those errors forbade his being enthusiastic in support of its opponents. He was of too critical a nature to be at all fanatical, and a

man must be something of a fanatic before he can head a revolution of that kind. He was born for peace, he was timid, and his ease at detecting unsound arguments and seeing the ridiculous side of things made him seem even more so than he was.

A man of this kind, whose wit pointed out the faults of the Roman Church, at which he was content to laugh, but which filled the Reformers with holy hate, and who was unable to go all lengths with them, was naturally hated by both sides, and it required all the tact of such a nature to enable him to live in even such peace as he enjoyed. Quiet his life certainly was not; he wanted everywhere his own way, and what with poverty when young, and religious excitement when older, he was forever in hot water. But with due allowance for his faults, — and biographies need not be read by us as if we were merely members of a grand jury thirsting after an indictment, — there is much to like, more perhaps than there is to admire, in Erasmus. In more peaceful times he would have won a higher name, and we should not judge him too harshly if he lacks more heroic qualities; at any rate, he had the merits and the defects of another age. He seems more civilized than his peers, and therewith to have acquired a sensitiveness and a selfishness which were neither of them of a sort common at the time.

Mr. Drummond has done his work well. The two volumes are readable, not so much so, however, as perhaps they might have been made. To be sure, it is but a dreary task warming up the cold ashes of theological controversy; but it seems to us as if more might have been made out of the personal character of Erasmus. Still we have no hesitation in commending the book, with tempered praise, to all who care to read the life of one to whom much of the credit of the Reformation is due; in our view nowadays he always stands a little out of focus, but he is well worth studying. If the book is not worthy of the highest praise, it is at least good, and it is a very bad biography which is not interesting reading.

16. — *Hay Fever*. By AUGUSTUS HOPPIN. Boston: James R. Osgood & Co. 1873.

THIS volume, which depicts the sufferings of a fellow-man from one of the most unpleasant of the lesser trials of humanity, will amuse many who will be able to look at it with sympathizing eyes. In a series of sketches, Mr. Hoppin follows the victim of the hay fever from the time it begins through his various efforts to find relief on lofty mountain-tops, in the bowels of the earth, at the seaside, and at last in a balloon. In our opinion these are the best drawings Mr. Hoppin has ever made. His

earlier illustrations were better rather as indications of possible improvement than from any actual merit of their own. His curly-headed boys and men and round-eyed women had never any individuality of their own; they bore witness of an easy pencil, but of a carelessness or indifference on the part of the artist which was very discouraging to those who knew anything better. They were merely indications of some scene described in the pages, not illustrations nor decorations. And when it is remembered what skill and care were brought to the illustration of books on the other side of the Atlantic, one could not help regretting the inferiority of our own country in this respect. Of course there was much to palliate this negligence, — the carelessness of engravers, and the indifference of the public, which looked on a picture simply as a picture, with very little critical discrimination. But now with the numerous processes for publishing better work, one of these obstacles is removed; and with this facility better work is supplied to educate inexperienced eyes, and the result is, consequently, an improvement in illustrated works.

A caricaturist who avoids vulgarity is always welcome, but to succeed he must draw well. In England in the pages of "Punch" we see the utmost care devoted to very small objects, but it is the care of facility, not of pedantry; and although sometimes they have as incongruous an appearance as would a morning paper lying on our breakfast-table bound in tree-calf, yet in general they please us by their ease. The French caricatures are far simpler; those of Cham, for instance, seem to be drawn in about five minutes, but they are always well drawn notwithstanding. They are like jests born of the moment. The German caricatures are often beautifully drawn, but with dreary letter-press covering more space than the illustration. The earth trembles when the German skips.

In this volume Mr. Hoppin shows more skill in drawing than he has ever done before, and the result is an amusing volume. Perhaps the best sketch is the fifth, in which the victim of the illness is depicted trying to scratch the roof of his mouth with the back of his tongue; but none are without merit.

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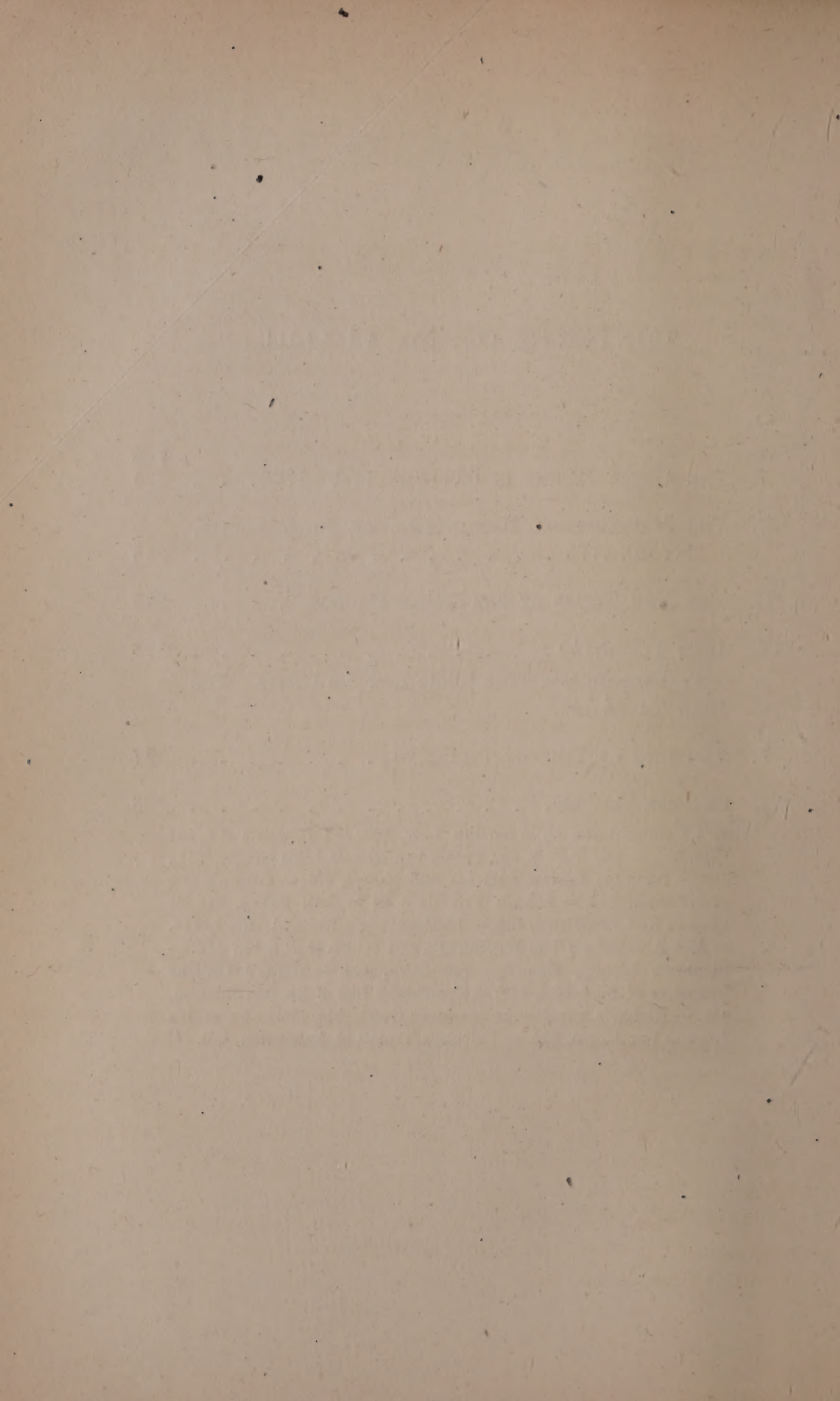
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NORTH AMERICAN REVIEW.

No. CCXLIII.

APRIL, 1874.

ART. I.—THE ANCIEN RÉGIME IN CANADA. 1663–1763.

I.

CANADIAN society was beginning to form itself, and at its base was the feudal tenure. European feudalism was the indigenous and natural growth of political and social conditions which preceded it. Canadian feudalism was an offshoot of the feudalism of France, modified by the lapse of centuries, and further modified by the royal will.

In France, as in the rest of Europe, the system had lost its vitality. The warrior-nobles who placed Hugh Capet on the throne, and began the feudal monarchy, formed an aristocratic republic, and the king was one of their number, whom they chose to be their chief. But through the struggles and vicissitudes of many succeeding reigns royalty had waxed and oligarchy had waned. The fact had changed and the theory had changed with it. The king, once powerless among a host of turbulent nobles, was now a king indeed. Once a chief, because his equals had made him so, he was now the anointed of the Lord. This triumph of royalty had culminated in Louis XIV. The stormy energies and bold individualism of the old feudal nobles had ceased to exist. They who had held his predecessors in awe had become his obsequious servants. He no longer feared his nobility; he prized them as gorgeous decorations of his court, and satellites of his royal person.

It was Richelieu who first planted feudalism in Canada.* The king would preserve it there, because with its teeth drawn he was fond of it, and because as the feudal tenure prevailed in Old France, it was natural that it should prevail also in the New. But he continued as Richelieu had begun, and moulded it to the form that pleased him. Nothing was left which could threaten his absolute and undivided authority over the colony. In France, a multitude of privileges and prescriptions still clung, despite its fall, about the ancient ruling class. Few of these were allowed to cross the Atlantic, while the old, lingering abuses, which had made the system odious, were at the same time lopped away. Thus retrenched, Canadian feudalism was made to serve a double end, — to produce a faint and harmless reflection of French aristocracy, and simply and practically to supply agencies for distributing land among the settlers.

The nature of the precautions which it was held to require appears in the plan of administration which Talon and Tracy laid before the Minister. They urge that, in view of the distance from France, special care ought to be taken to prevent changes and revolutions, aristocratic or otherwise, in the colony, whereby in time sovereign jurisdictions might grow up, as formerly occurred in various parts of France.† And, in respect to grants already made, an inquiry was ordered, to ascertain “if seigniors in distributing lands to their vassals have exacted any conditions injurious to the rights of the Crown and the subjection due solely to the king.” In the same view the seignior was denied any voice whatever in the direction of government; and it is scarcely necessary to say that the essential feature of feudalism in the day of its vitality, the requirement of military service by the lord from the vassal, was utterly unknown in Canada. The royal governor called out the militia whenever he saw fit, and set over it what officers he pleased.

The seignior was usually the immediate vassal of the Crown, from which he had received his land gratuitously. In a few cases, he made grants to other seigniors inferior in the feudal

* By the charter of the Company of the Hundred Associates, 1627.

† *Projet de Règlement fait par MM. de Tracy et Talon pour la justice et la distribution des terres du Canada, Jan. 24, 1667.*

scale, and they, his vassals, granted in turn to their vassals, the *habitans* or cultivators of the soil.* Sometimes the *habitant* held directly of the Crown, in which case there was no step between the highest and lowest degrees of the feudal scale. The seignior held by the tenure of faith and homage, the *habitant* by the inferior tenure *en censive*. Faith and homage were rendered to the Crown or other feudal superior whenever the seigniorship changed hands, or, in the case of seigniorships held by corporations, after long stated intervals. The following is an example, drawn from the early days of the colony, of the performance of this ceremony by the owner of a fief to the seignior who had granted it to him. It is that of Jean Guion, vassal of Giffard, seignior of Beauport. The act recounts how, in presence of a notary, Guion presented himself at the principal door of the manor-house of Beauport; how, having knocked, one Boullé, farmer of Giffard, opened the door, and in reply to Guion's question if the seignior was at home, replied that he was not, but that he, Boullé, was empowered to receive acknowledgments of faith and homage from the vassals in his name. "After the which reply," proceeds the act, "the said Guion, being at the principal door, placed himself on his knees on the ground, with head bare, and without sword or spurs, and said three times these words: "Monsieur de Beauport, Monsieur de Beauport, Monsieur de Beauport, I bring you the faith and homage which I am bound to bring you on account of my fief Du Buisson, which I hold as a man of faith of your seigniorship of Beauport, declaring that I offer to pay my seigniorial and feudal dues in their season, and demanding of you to accept me in faith and homage as aforesaid." †

* Most of the seigniorships of Canada were simple fiefs; but there were some exceptions. In 1671, the king, as a mark of honor to Talon, erected his seigniorship Des Islets into a barony; and it was soon afterwards made an earldom, *comté*. In 1676, the seigniorship of St. Laurent, on the island of Orleans, once the property of Laval, and then belonging to François Berthelot, councillor of the king, was erected into an earldom. In 1681 the seigniorship of Portneuf, belonging to René Robineau, chevalier, was made a barony. In 1700, three seigniorships on the south side of the St. Lawrence were united into the barony of Longueuil. See *Papers on the Feudal Tenure in Canada, Abstract of Titles*.

† Ferland, *Notes sur les Registres de Notre Dame de Québec*, 65. This was a *fief en roture*, as distinguished from a *fief noble*, to which judicial powers and other privileges were attached.

The following instance is the more common one of a seignior holding directly of the Crown. It is widely separated from the first in point of time, having occurred a year after the army of Wolfe entered Quebec. Philippe Noël had lately died, and Jean Noël, his son, inherited his seignior of Tilly and Bonsecours. To make the title good, faith and homage must be renewed. Jean Noël was under the bitter necessity of rendering this duty to General Murray, governor for the king of Great Britain. The form is the same as in the case of Guion, more than a century before. Noël repairs to the Government House at Quebec, and knocks at the door. A servant opens it. Noël asks if the governor is there. The servant replies that he is. Murray, informed of the visitor's object, comes to the door, and Noël then and there, "without sword or spurs, with bare head, and one knee on the ground," repeats the acknowledgment of faith and homage for his seignior. He was compelled, however, to add a detested innovation, the oath of fidelity to his Britannic Majesty, coupled with a pledge to keep his vassals in obedience to the new sovereign.*

The seignior was a proprietor holding that relation to the feudal superior which, in its pristine character, has been truly described as servile in form, proud and bold in spirit. But in Canada this bold spirit was very far from being strengthened by the changes which the policy of the Crown had introduced into the system. The reservation of mines and minerals, oaks for the royal navy, roadways, and a site, if needed, for royal forts and magazines, had in them nothing extraordinary. The great difference between the position of the Canadian seignior and that of the vassal proprietor of the Middle Ages lay in the extent and nature of the control which the Crown and its officers held over him. A decree of the king, an edict of the Council, or an ordinance of the intendant, might at any moment change old conditions, impose new ones, interfere between him and his grantees, and modify or annul his bargains, past or present. He was never sure whether or not the government would let him alone, and against its most arbitrary intervention he had no remedy.

* See the act in *Observations de Sir L. H. Lafontaine, Bart., sur la Tenure Seignoriale*, 217, note.

One condition was imposed on him which may be said to form the distinctive feature of Canadian feudalism, — that of clearing his land within a limited time on pain of forfeiting it. The object was the excellent one of preventing the lands of the colony from lying waste. As the seignior was often the penniless owner of a domain three or four leagues wide and proportionably deep, he could not clear it all himself, and was therefore under the necessity of placing the greater part in the hands of those who could. But he was forbidden to sell any part of it which he had not cleared. He must grant it without price, on condition of a small perpetual rent; and this brings us to the cultivator of the soil, the *censitaire*, the broad base of the feudal pyramid.*

The tenure *en censive* by which the *censitaire* held of the seignior consisted in the obligation to annual payments in money, produce, or both. In Canada these payments, known as *cens et rente*, were strangely diverse in amount and kind; but, in all the early period of the colony, they were almost ludicrously small. A common charge at Montreal was half a sou and half a pint of wheat for each arpent. The rate usually fluctuated in the early times between half a sou and two sous, so that a farm of a hundred and sixty arpents would pay from four to sixteen francs, of which a part would be in money and the rest in live capons, wheat, eggs, or all three together, in pursuance of contracts as amusing in their precision as they are bewildering in their variety. Live capons, estimated at twenty sous each, though sometimes not worth ten, form a con-

* The greater part of the grants made by the old company of New France were resumed by the Crown for neglect to occupy and improve the land, which was granted out anew under the administration of Talon. The most remarkable of these forfeited grants is that of the vast domain of La Citière, large enough for a kingdom. Lauson, afterwards governor, had obtained it from the company, but had failed to improve it. Two or three sub-grants which he had made from it were held valid; the rest was reunited to the royal domain. On repeated occasions at later dates, negligent seigniors were threatened with the loss of half or the whole of their land, and various cases are recorded in which the threat took effect. In 1741 an ordinance of the governor and intendant reunited to the royal domain seventeen seigniories at one stroke; but the former owners were told that if within a year they cleared and settled a reasonable part of the forfeited estates, the titles should be restored to them. (*Edits et Ordonnances*, II. 555.) In the case of the *habitant* or *censitaire*, forfeitures for neglect to improve the land and live on it are very numerous.

spicuous feature in these agreements, so that on pay-day the seignior's barn-yard presented an animated scene. Later in the history of the colony grants were at somewhat higher rates. Payment was commonly made on St. Martin's day, when there was a general muster of tenants at the seigniorial mansion, with a prodigious consumption of tobacco and a corresponding retail of neighborhood gossip, joined to the outcries of the captive fowls bundled together for delivery, with legs tied, but throats at full liberty.

A more considerable but a very uncertain source of income to the seignior were the *lods et ventes*, or mutation fines. The land of the *censitaire* passed freely to his heirs; but if he sold it, a twelfth part of the purchase-money must be paid to the seignior. The seignior, on his part, was equally liable to pay a mutation fine to his feudal superior if he sold his seignior; and for him the amount was larger, being a *quint*, or a fifth of the price received, of which, however, the greater part was deducted for immediate payment. This heavy charge, constituting, as it did, a tax on all improvements, was a principal cause of the abolition of the feudal tenure in 1854.

The obligation of clearing his land and living on it was laid on seignior and *censitaire* alike; but the latter was under a variety of other obligations to the former, partly imposed by custom and partly established by agreement when the grant was made. To grind his grain at the seignior's mill, bake his bread in the seignior's oven, work for him one or more days in the year, and give him one fish in every eleven for the privilege of fishing in the river before his farm,—these were the most annoying of the conditions to which the *censitaire* was liable. Few of them were enforced with much regularity. That of baking in the seignior's oven was rarely carried into effect, though occasionally used for purposes of extortion. It is here that the royal government appears in its true character, so far as concerns its relations with Canada, that of a well-meaning despotism. It continually intervened between *censitaire* and seignior, on the principle that “as his Majesty gives the land for nothing, he can make what conditions he pleases, and change them when he pleases.”* These interventions were

* This doctrine is laid down in a letter of the Marquis de Beauharnois, governor, to the Minister, 1734.

usually favorable to the *censitaire*. On one occasion an intendant reported to the Minister that in his opinion all rents ought to be reduced to one sou and one live capon for every arpent of front, equal in most cases to forty superficial arpents.* Everything, he remarks, ought to be brought down to the level of the first grants "made in days of innocence," a happy period which he does not attempt to define. The Minister replies that the diversity of the rent is, in fact, vexatious, and that, for his part, he is disposed to abolish it altogether.† Neither he nor the intendant gives the slightest hint of any compensation to the seignior. Though these radical measures were not executed, many changes were decreed from time to time in the relations between seignior and *censitaire*, sometimes as a simple act of sovereign power, and sometimes on the ground that the grants had been made with conditions not recognized by the *Coutume de Paris*. This was the code of law assigned to Canada; but most of the contracts between seignior and *censitaire* had been agreed upon in good faith by men who knew as much of the *Coutume de Paris* as of the Capitularies of Charlemagne, and their conditions had remained in force unchallenged for generations. These interventions of government sometimes contradicted each other and often proved a dead letter. They are more or less active through the whole period of the French rule.

The seignior had judicial powers, which, however, were carefully curbed and controlled. His jurisdiction, when exercised at all, extended in most cases only to trivial causes. He very rarely had a prison, and seems never to have abused it. The dignity of a seigniorial gallows with *high justice* or jurisdiction over heinous offences was granted only in three or four instances.‡

Four arpents in front by forty in depth were the ordinary dimensions of a grant *en censive*. These ribbons of land, nearly a mile and a half long, with one end on the river and the other on the uplands behind, usually combined the advantages

* *Lettre de Raudot, père, au Ministre, 10 Nov., 1707.*

† *Lettre de Ponchartrain à Raudot, père, 13 Juin, 1708.*

‡ Baronies and *contés* were empowered to set up gallows and pillories, to which the arms of the owner were affixed. See, for example, the edict creating the Barony des Islets.

of meadows for cultivation and forests for timber and firewood. So long as the *censitaire* brought in on St. Martin's day his yearly capons and his yearly handful of copper, his title against the seignior was perfect. There are farms in Canada which have passed from father to son for two hundred years. The condition of the cultivator was incomparably better than that of the French peasant, crushed by taxes and oppressed by feudal burdens far heavier than those of Canada. In fact, the Canadian settler scorned the name of peasant, and then, as now, was always called the *habitant*. The government held him in wardship, watched over him, interfered with him, but did not oppress him nor allow others to oppress him. Canada was not governed to the profit of a class, and if the king wished to create a Canadian *noblesse* he took care that it should not bear hard on the country.*

Under a genuine feudalism, the ownership of land conferred nobility; but all this was changed. The king, and not the soil, was now the parent of honor. France swarmed with landless nobles, while *roturier* land-holders grew daily more numerous. In Canada half the seigniories were in *roturier* or plebeian hands, and in course of time some of them came into possession of persons on very humble degrees of the social scale. A seignior could be bought and sold, and a trader or a thrifty *habitant* might, and often did, become the buyer.† If the Canadian noble was always a seignior, it is far from being true that the Canadian seignior was always a noble.

In France, it will be remembered, nobility did not in itself

* On the seigniorial tenure, I have examined the whole of the mass of papers printed at the time when the question of its abolition was under discussion. A great deal of legal research and learning was then devoted to the subject. The argument of Mr. Dunkin in behalf of the seigniors, and the observations of Judge Lafontaine, are especially instructive, as is also the collected correspondence of the governors and intendants with the central government, on matters relating to the seigniorial system.

† In 1712 the engineer Catalogne made a very long and elaborate report on the condition of Canada, with a full account of all the seigniorial estates. Of ninety-one seigniories, fiefs, and baronies described by him, ten belonged to merchants, twelve to laborers, and two to masters of small river craft. The rest belonged to religious corporations, members of the Council, judges, officials of the Crown, widows, and discharged officers or their sons.

imply a title. Besides its titled leaders, it had its rank and file, numerous enough to form a considerable army. Under the later Bourbons, the penniless young nobles were, in fact, enrolled into regiments, turbulent, difficult to control, obeying officers of high rank, but scorning all others, and conspicuous by a fiery and impetuous valor which on more than one occasion turned the tide of victory. The *gentilhomme*, or untitled noble, had a distinctive character of his own, gallant, punctilious, vain; skilled in social and sometimes in literary and artistic accomplishments, but usually ignorant of most things except the handling of his rapier. Yet there were striking exceptions; and to say of him, as has been said, that "he knew nothing but how to get himself killed," is hardly just to a body which has produced some of the best writers and thinkers of France.

Sometimes the origin of his nobility was lost in the mists of time; sometimes he owed it to a patent from the king. In either case, the line of demarcation between him and the classes below him was perfectly distinct; and in this lies an essential difference between the French *noblesse* and the English gentry, a class not separated from others by a definite barrier. The French *noblesse*, unlike the English gentry, constituted a caste.

The *gentilhomme* had no vocation for emigrating. He liked the army and he liked the court. If he could not be of it, it was something to live in its shadow. The life of a backwoods settler had no charm for him. He was not used to labor; and he could not trade, at least in retail, without becoming liable to forfeit his nobility. When Talon came to Canada, there were but four noble families in the colony.* Young nobles in abundance came out with De Tracy, but they went home with him. Where, then, should be found the material of a Canadian *noblesse*? First, in the regiment of Carignan, of which most of the officers were *gentilshommes*; secondly, in the issue of patents of nobility to a few of the more prominent colonists. De Tracy asked for four such patents; Talon asked for five

* Talon, *Mémoire sur l'Etat présent du Canada*, 1667. The families of Repentigny, Tilly, Poterie, and D'Aillebout appear to be meant.

more ; * and such requests were repeated at intervals by succeeding governors and intendants, in behalf of those who had gained their favor by merit or otherwise. Money smoothed the path to advancement, so far had *noblesse* already fallen from its old estate. Thus Jacques Le Ber, the merchant, who had long kept a shop at Montreal, got himself made a gentleman for six thousand livres. †

All Canada soon became infatuated with *noblesse* ; and country and town, merchant and seignior, vied with each other for the quality of *gentilhomme*. If they could not get it, they often pretended to have it, and aped its ways with the zeal of Monsieur Jourdain himself. "Everybody here," writes the intendant De Meulle, "calls himself *Esquire*, and ends with thinking himself a gentleman." Successive intendants repeat this complaint. The case was worst with *roturiers* who had acquired seigniories. Thus Noel Langlois was a good carpenter till he became owner of a seignior, on which he grew lazy and affected to play the gentleman. The real *gentilshommes*, as well as the spurious, had their full share of official stricture. The governor, Denonville, speaks of them thus : "Several of them have come out this year with their wives, who are very much cast down ; but they play the fine lady, nevertheless. I had much rather see good peasants ; it would be a pleasure to me to give aid to such, knowing, as I should, that within two years their families would have the means of living at ease ; for it is certain that a peasant who can and will work is well off in this country, while our nobles with nothing to do can never be anything but beggars. Still they ought not to be driven off or abandoned. The question is how to maintain them." ‡

The intendant, Du Chesneau, writes to the same effect : "Many of our *gentilshommes*, officers, and other owners of seigniories, lead what in France is called the life of a country gentleman, and spend most of their time in hunting and

* De Tracy's request was in behalf of Bourdon, Boucher, D'Auteuil, and Juchereau. Talon's was in behalf of Godefroy, Le Moyne, Denis, Amiot, and Couillard.

† Faillon, *Vie de Mademoiselle Le Ber*, 325.

‡ *Lettre de Denonville au Ministre*, 10 Nov., 1686.

fishing. . . . As their requirements in food and clothing are greater than those of the simple *habitans*, and as they do not devote themselves to improving their land, they mix themselves up in trade, run in debt on all hands, incite their young *habitans* to range the woods, and send their own children there to trade for furs in the Indian villages and in the depths of the forest, in spite of the prohibition of his Majesty. Yet, with all this, they are in miserable poverty.”*

Their condition, indeed, was often deplorable. “It is pitiful,” says the intendant, Champigny, “to see their children, of which they have great numbers, passing all summer with nothing on them but a shirt, and their wives and daughters working in the fields.”† In another letter he asks aid from the king for Repentigny with his thirteen children, and for Tilly with his fifteen. “We must give them some corn at once,” he says, “or they will starve.”‡ These were two of the original four noble families of Canada. The family of D’Aillebout, another of the four, is described as equally destitute. “Pride and sloth,” says the same intendant, “are the great faults of the people of Canada, and especially of the nobles and those who pretend to be such. I pray you grant no more letters of nobility, unless you want to multiply beggars.”§ The governor, Denonville, is still more emphatic: “Above all things, monseigneur, permit me to say that the nobles of this new country are everything that is most beggarly, and that to increase their number is to increase the number of do-nothings. A new country requires hard workers, who will handle the axe and mattock. The sons of our councillors are no more industrious than the nobles; and their only resource is to take to the woods, trade a little with the Indians, and, for the most part, fall into the disorders of which I have had the honor to inform you. I shall use all possible means to induce them to engage in regular commerce; but as our nobles and councillors are all very poor and weighed down with debt, they could not get

* *Lettre de Du Chesneau au Ministre*, 10 Nov., 1679.

† *Lettre de Champigny au Ministre*, 26 Août, 1687.

‡ *Ibid.*, 6 Nov., 1687.

§ *Mémoire instructif sur le Canada, joint à la lettre de M. de Champigny du 10 May, 1691.*

credit for a single crown piece.”* “Two days ago,” he writes in another letter, “Monsieur de St. Ours, a gentleman of Dauphiny, came to me to ask leave to go back to France in search of bread. He says that he will put his ten children into the charge of any who will give them a living, and that he himself will go into the army again. His wife and he are in despair; and yet they do what they can. I have seen two of his girls reaping grain and holding the plough. Other families are in the same condition. They come to me with tears in their eyes. . . . All our married officers are beggars; and I entreat you to send them aid. There is need that the king should provide support for their children, or else they will be tempted to go over to the English.”† Again he writes that the sons of the councillor D’Amours have been arrested as *coureurs de bois*, or outlaws in the bush; and that if the Minister does not do something to help them, there is danger that all the sons of the *noblesse*, real or pretended, will turn bandits, since they have no other means of living.

The king, dispenser of charity for all Canada, came promptly to the rescue. He granted an alms of a hundred crowns to each family, coupled with a warning to the recipients of his bounty that “their misery proceeds from their ambition to live as persons of quality and without labor.”‡ At the same time, the Minister announced that no more letters of nobility would be granted in Canada; adding, “to relieve the country of some of the children of those who are really noble, I send you (the governor) six commissions of *Gardes de la Marine*, and recommend you to take care not to give them to any who are not actually *gentilshommes*.” The *Garde de la Marine* answered to the midshipman of the English or American service. As the six commissions could bring little relief to the crowd of needy youths, it was further ordained that sons of nobles or persons living as such should be enrolled into companies at eight sous a day for those who should best conduct themselves, and six sous a day for the others. Nobles in Canada were

* *Lettre de Denonville au Ministre*, 13 Nov., 1685.

† *Lettre de Denonville au Ministre*, 10 Nov., 1686. (Condensed in the translation.)

‡ *Abstract of Denonville's Letters, and of the Minister's Answers*, in Brodhead, IX. 317, 318.

also permitted to trade, even at retail, without derogating from their rank.*

They had already assumed this right, without waiting for the royal license; but thus far it had profited them little. The *gentilhomme* was not a good shopkeeper, nor, as a rule, was the shopkeeper's vocation very lucrative in Canada. The domestic trade of the colony was small; and all trade was exposed to such vicissitudes from the intervention of intendants, ministers, and councils, that at one time it was almost banished. At best, it was carried on under conditions auspicious to a favored few and withering to the rest. Even when most willing to work, the position of the *gentilhomme* was a painful one. Unless he could gain a post under the Crown, which was rarely the case, he was as complete a political cipher as the meanest *habitant*. His rents were practically nothing, and he had no capital to improve his seigniorial estate. By a peasant's work he could gain a peasant's living, and this was all. The prospect was not inspiring. His long initiation of misery was the natural result of his position and surroundings; and it is no matter of wonder that he threw himself into the only field of action which in time of peace was open to him. It was trade, but trade seasoned by adventure and ennobled by danger; defiant of edict and ordinance, outlawed, conducted in arms among forests and savages,—in short, it was the Western fur-trade. The tyro was likely to fail in it at first, but time and experience formed him to the work. On the Great Lakes, in the wastes of the Northwest, on the Mississippi and the plains beyond, we find the roving *gentilhomme* chief of a gang of bushrangers, often his own *habitans*; sometimes proscribed by the government, sometimes leagued in contraband traffic with its highest officials, a hardy vidette of civilization, tracing unknown streams, piercing unknown forests, trading, fighting, negotiating, and building forts. Again we find him on the shores of Acadia or Maine, surrounded by Indian retainers, a menace and a terror to the neighboring English colonist. St. Castin, Du Lhut, La Durantaye, La Salle, La Motte-Cardillac, Iberville, Bienville, La Vérendrye, are names

* Lettre de De Meulle au Ministre, 1685.

that stand conspicuous on that page of half-savage romance that refreshes the hard and practical annals of American colonization. But a more substantial debt is due to their memory. It was they, and such as they, who discovered the Ohio, explored the Mississippi to its mouth, discovered the Rocky Mountains, and founded Detroit, St. Louis, and New Orleans.

Even in his earliest day the *gentilhomme* was not always in the evil plight where we have found him. There were a few exceptions to the general misery, and the chief among them is that of the Le Moynes of Montreal. Charles Le Moyne, son of an innkeeper of Dieppe and founder of a family the most truly eminent in Canada, was a man of sterling qualities who had been long enough in the colony to learn how to live there.* Others learned the same lesson at a later day, adapted themselves to soil and situation, took root, grew, and became more Canadian than French. As population increased, their seigniories began to yield appreciable returns, and their reserved domains became worth cultivating. A future dawned upon them; they saw in hope their names, their seigniorial estates, their manor-houses, their tenantry, passing to their children and their children's children. The beggared noble of the early time became a sturdy country gentleman; poor, but not wretched; ignorant of books, except possibly a few scraps of rusty Latin picked up in a Jesuit school; hardy as the hardest woodsman, yet never forgetting his quality of *gentilhomme*; scrupulously wearing its badge, the sword, and copying as well as he could the fashions of the court, which glowed on his vision across the sea in all the effulgence of Versailles, and beamed with reflected ray from the château of Quebec. He was at home among his tenants, at home among the Indians, and never more at home than when, a gun in his hand and a crucifix on his breast, he took the war-path with a crew of painted savages and Frenchmen almost as wild, and pounced like a lynx from the forest on some lonely farm or outlying hamlet of New England. How New England hated him, let her records tell. The reddest bloodstreaks on her old annals mark the track of the Canadian *gentilhomme*.

* Berthelot, proprietor of the *comté* of St. Laurent, and Robineau, of the barony of Portneuf, may also be mentioned as exceptionally prosperous.

II.

The government of Canada was formed in its chief features after the government of a French province. Throughout France the past and the present stood side by side. The kingdom had a double administration; or, rather, the shadow of the old administration and the substance of the new. The government of provinces had long been held by the high nobles, often kindred to the Crown; and hence, in former times, great perils had arisen, amounting during the civil wars to the danger of dismemberment. The high nobles were still governors of provinces; but here, as elsewhere, they had ceased to be dangerous. Titles, honors, and ceremonial they had in abundance; but they were deprived of real power. Close beside them was the royal intendant, an obscure figure, lost amid the vainglories of the feudal sunset, but in the name of the king holding the reins of government,—a check and a spy on his gorgeous colleague. He was the king's agent; of modest birth, springing from the legal class, owing his present to the king, and dependent on him for his future, learned in the law and trained to administration. It was by such instruments that the powerful centralization of the monarchy enforced itself throughout the kingdom, and, penetrating beneath the crust of old prescriptions, supplanted without seeming to supplant them. The courtier noble looked down in the pride of rank on the busy man in black at his side; but this man in black, with the troop of officials at his beck, controlled finance, the royal courts, public works, and all the administrative business of the province.

The governor-general and the intendant of Canada answered to those of a French province. The governor, excepting in the earliest period of the colony, was a military noble; in most cases bearing a title and sometimes of high rank. The intendant, as in France, was usually drawn from the *gens de robe*, or legal class.* The mutual relations of the two officers were

* The governor was styled, in his commission, *Gouverneur et Lieutenant-Général en Canada, Acadie, Isle de Terre-neuve, et autres pays de la France Septentrionale*; and the intendant, *Intendant de la Justice, Police, et Finances en Canada, Acadie, Terre-neuve, et autres pays de la France Septentrionale*.

modified by the circumstances about them. The governor was superior in rank to the intendant; he commanded the troops, conducted relations with foreign colonies and Indian tribes, and took precedence on all occasions of ceremony. Unlike a provincial governor in France, he had great and substantial power. The king and the Minister, his sole masters, were a thousand leagues distant, and he controlled the whole military force. If he abused his position, there was no remedy but in appeal to the Court, which alone could hold him in check. There were local governors at Montreal and Three Rivers, but their power was carefully curbed, and they were forbidden to fine or imprison any person without authority from Quebec.*

The intendant was virtually a spy on the governor-general, of whose proceedings and of everything else that took place he was required to make report. Every year he wrote to the Minister of State one, two, three, or four letters, often forty or fifty pages long, filled with the secrets of the colony, political and personal, great and small, set forth with a minuteness often interesting, often instructive, and often excessively tedious.† The governor, too, wrote letters of pitiless length; and each of the colleagues was jealous of the letters of the other. In truth, their relations to each other were so critical, and perfect harmony so rare, that they might almost be described as natural enemies. The Court, it is certain, did not desire their perfect accord; nor, on the other hand, did it wish them to quarrel; it aimed to keep them on such terms that, without deranging the machinery of administration, each should be a check on the other.‡

The governor, the intendant, and the Supreme Council or Court were absolute masters of Canada under the pleasure of the king. Legislative, judicial, and executive power, all cen-

* The Sulpitian seigniors of Montreal claimed the right of appointing their own local governor. This was denied by the Court, and the excellent Sulpitian governor, Maisonneuve, was removed by De Tracy, to die in patient obscurity at Paris. Some concessions were afterwards made in favor of the Sulpitian claims.

† I have carefully read about two thousand pages of these letters.

‡ The governor and intendant made frequent appeals to the Court to settle questions arising between them. Several of these appeals are preserved. The king wrote replies on the margin of the paper, but they were usually too curt and general to satisfy either party.

tred in them. We have seen already the very unpromising beginnings of the Supreme Council. It had consisted at first of the governor, the bishop, and five councillors chosen by them. The intendant was soon added to form the ruling triumvirate; but the appointment of the councillors, the occasion of so many quarrels, was afterwards exercised by the king himself.* Even the name of the Council underwent a change in the interest of his autocracy, and he commanded that it should no longer be called the *Supreme*, but only the *Superior* Council. The same change had just been imposed on all the high tribunals of France.† Under the shadows of the *fleur-de-lis*, the king alone was to be supreme.

In 1675 the number of councillors was increased to seven, and in 1703 it was again increased to twelve, but the character of the Council or Court remained the same. It issued decrees for the civil, commercial, and financial government of the colony, and gave judgment in civil and criminal causes according to the royal ordinances and the *Coutume de Paris*. It exercised also the function of registration borrowed from the Parliament of Paris. That body, it will be remembered, had no analogy whatever with the English Parliament. Its ordinary functions were not legislative, but judicial, and it was composed of judges hereditary under certain conditions. Nevertheless, it had long acted as a check on the royal power through its right of registration. No royal edict had the force of law till entered upon its books, and this custom had so deep a root in the monarchical constitution of France, that even Louis XIV., in the flush of his power, did not attempt to abolish it. He did better; he ordered his decrees to be registered, and the humble Parliament submissively obeyed. In like manner all edicts, ordinances, or declarations relating to Canada were entered on the registers of the Superior Council at Quebec. The order of registration was commonly affixed

* *Declaration du Roi du 16me Juin, 1703.* Appointments were made by the king many years earlier. As they were always made on the recommendation of the governor and intendant, the practical effect of the change was merely to exclude the bishop from a share in them. The West India Company made the nominations during the ten years of its ascendancy.

† Cheruel, *Administration Monarchique en France*, II. 100.

to the edict or other mandate, and nobody dreamed of disobeying it.*

The Council or Court had its attorney-general, who heard complaints and brought them before the tribunal if he thought necessary; its secretary, who kept its registers; and its *huissiers*, or attendant officers. It sat once a week, and, though it was the highest court of appeal, it exercised at first original jurisdiction in very trivial cases.† It was empowered to establish subordinate courts or judges throughout the colony. Besides these there was a judge appointed by the king for each of the three districts into which Canada was divided, those of Quebec, Three Rivers, and Montreal. To each of the three royal judges was joined a clerk and an attorney-general under the supervision and control of the attorney-general of the Superior Court, to which tribunal appeal lay from all the subordinate jurisdictions. The jurisdiction of the seigniors within their own limits has already been mentioned. They were entitled by the terms of their grants to the exercise of "high, middle, and low justice"; but most of them were practically restricted to the last of the three, that is, to petty disputes between the *habitans*, involving not more than sixty sous, or offences for which the fine did not exceed ten sous.‡ Thus limited, their judgments were often useful in saving time, trouble, and money to the disputants. The corporate seigniors of Montreal long continued to hold a feudal court in form, with attorney-general, clerk, and *huissier*; but very few other seigniors were in a condition to imitate them. Added to all these tribunals was the bishop's court at Quebec to try causes held to be within the province of the Church.

The office of judge in Canada was no sinecure. The people were of a litigious disposition, partly from their Norman blood, partly, perhaps, from the idleness of the long and tedious winter, which gave full leisure for gossip and quarrel, and partly from

* Many general edicts relating to the whole kingdom are also registered on the books of the Council, but the practice in this respect was by no means uniform.

† See the *Régistres du Conseil Supérieur*, preserved at Quebec. Between 1663 and 1673 are a multitude of judgments on matters great and small; from murder, rape, and infanticide, down to petty nuisances, misbehavior of servants, and disputes about the price of a sow.

‡ *Histoire du Droit Canadien*, 135.

the very imperfect manner in which titles had been drawn and the boundaries of grants marked out, whence ensued disputes without end between neighbor and neighbor.

"I will not say," writes the caustic La Hontan, "that Justice is more chaste and disinterested here than in France, but at least if she is sold she is sold cheaper. We do not pass through the clutches of advocates, the talons of attorneys, and the claws of clerks. These vermin do not infest Canada yet. Everybody pleads his own cause. Our Themis is prompt, and she does not bristle with fees, costs, and charges. The judges have only four hundred francs a year, a great temptation to look for law in the bottom of the suitor's purse. Four hundred francs! Not enough to buy a cap and gown, so these gentry never wear them."*

Thus far La Hontan. Now let us hear the king himself. "The greatest disorder which has hitherto existed in Canada," writes Louis XIV. to the intendant, De Meulle, "has come from the small degree of liberty which the officers of justice have had in the discharge of their duties, by reason of the violence to which they have been subjected, and the part they have been obliged to take in the continual quarrels between the governor and the intendant; insomuch that justice having been administered by cabal and animosity, the inhabitants have hitherto been far from the tranquillity and repose which cannot be found in a place where everybody is compelled to take side with one party or another."†

Nevertheless, on ordinary local questions between the *habitants*, justice seems to have been administered on the whole fairly; and judges of all grades often interposed in their personal capacity to bring parties to an agreement without a trial. From head to foot, the government kept its attitude of pater-
ternity.

Beyond and above all the regular tribunals, beyond and above the Council itself, was the independent jurisdiction lodged in the person of the king's man, the intendant. His commission empowered him, if he saw fit, to call any cause

* La Hontan, I. 21 (ed. 1705). In some editions, the above is expressed in different language.

† *Instruction du Roy pour le Sieur De Meulle*, 1682.

whatever before himself for judgment ; and he judged exclusively the cases which concerned the king, and those involving the relations of seignior and vassal.* He appointed subordinate judges from whom there was appeal to him ; but from his decisions, as well as from those of the Superior Council, there was no appeal but to the king in his Council of State.

On any Monday morning one would have found the Superior Council in session in the antechamber of the governor's apartment, at the Château St. Louis. They sat at a round table. At the head was the governor, with the bishop on his right and the intendant on his left. The councillors sat in the order of their appointment, and the attorney-general also had his place at the board. As La Hontan says, they were not in judicial robes but in their ordinary dress, and all but the bishop wore swords.† The want of the cap and gown greatly disturbed the intendant De Meulle, and he begs the Minister to consider how important it is that the councillors, in order to inspire respect, should appear in public in long black robes, which on occasions of ceremony they should exchange for robes of red. He thinks that the principal persons of the colony would thus be induced to train up their children to so enviable a dignity ; "and," he concludes, "as none of the councillors can afford to buy red robes, I hope that the king will vouchsafe to send out nine such. As for the black robes, they can furnish those themselves."‡ The king did not respond, and the nine robes never arrived.

The official dignity of the Council was sometimes exposed to trials against which even red gowns might have proved an insufficient protection. The same intendant urges that the tribunal ought to be provided immediately with a house of its own. "It is not decent," he says, "that it should sit in the governor's antechamber any longer. His guards and valets make such a noise that we cannot hear each other speak. I have continually to tell them to keep quiet, which causes them to make a thousand jokes at the councillors as they pass in and out."§ As the governor and the Council were often on ill

* See the commissions of various intendants, in *Edits et Ordonnances*, III.

† Compare *La Poterie*, I. 260, and *La Tour*, *Vie de Laval*, Liv. VII.

‡ *De Meulle au Ministre*, 28 Sept., 1685.

§ *De Meulle au Ministre*, 12 Nov., 1684.

terms, the official head of the colony could not always be trusted to keep his attendants on their good behavior. The Minister listened to De Meulle's complaint, and adopted his suggestion that the government should buy the old brewery of Talon, a large structure of mingled timber and masonry on the banks of the St. Charles. It was at an easy distance from the château; passing the Hôtel Dieu and descending the rock, one reached it by a walk of a few minutes. It was accordingly repaired, partly rebuilt, and fitted up to serve the double purpose of a lodging for the intendant and a court-house. Henceforth the transformed brewery was known as the Palace of the Intendant, or the Palace of Justice; and here the Council and inferior courts long continued to hold their sessions.

Some of these inferior courts appear to have needed a lodging quite as much as the Council. The watchful De Meulle informs the Minister that the royal judge for the district of Quebec was accustomed in winter, with a view to saving fuel, to hear causes and pronounce judgment by his own fireside, in the midst of his children, whose gambols disturbed the even distribution of justice.*

The Superior Council was not a very harmonious body. As its three chiefs, the man of the sword, the man of the Church, and the man of the law, were often at variance, the councillors attached themselves to one party or the other, and hot disputes sometimes ensued. The intendant, though but third in rank, presided at the sessions, took votes, pronounced judgment, signed papers, and called special meetings. This matter of the presidency was for some time a source of contention between him and the governor, till the question was set at rest by a decree of the king.

The intendants in their reports to the Minister do not paint the Council in flattering colors. One of them complains that the councillors, being busy with their farms, neglect their official duties. Another says that they are all more or less in trade. A third calls them uneducated persons of slight account, allied to the chief families and chief merchants in Canada, in whose interest they make laws; and he adds that

* *De Meulle au Ministre*, 12 Nov., 1684.

as a year and a half or even two years usually elapse before the answer to a complaint is received from France, they take advantage of this long interval to the injury of the king's service.* These and other similar charges betray the continual friction between the several branches of the government.

The councillors were rarely changed, and they usually held office for life. In a few cases the king granted to the son of a councillor yet living the right of succeeding his father when the charge should become vacant.† It was a post of honor and not of profit, at least of direct profit. The salaries were very small and coupled with a prohibition to receive fees.

Judging solely by the terms of his commission, the intendant was the ruling power in the colony. He controlled all expenditure of public money, and not only presided at the Council but was clothed in his own person with independent legislative as well as judicial power. He was authorized to issue ordinances having the force of law whenever he thought necessary, and, in the words of his commission, "to order everything as he shall see just and proper."‡ He was directed to be present at councils of war, though war was the special province of his colleague, and to protect soldiers and all others from official extortion and abuse; that is, to protect them from the governor. Yet there were practical difficulties in the way of his apparent power. The king, his master, was far away, but official jealousy was busy around him, and his patience was sometimes put to the proof. Thus the royal judge of Quebec had fallen into irregularities. "I can do nothing with him," writes the intendant; "he keeps on good terms with the governor and Council and sets me at naught." The governor had, as he thought, treated him amiss. "You have told me," he writes to the Minister, "to bear everything from him and report to you"; and he proceeds to recount his grievances. Again, "the attorney-general is bold to insolence, and needs

* *De Meulle au Ministre*, 12 Nov., 1684.

† A son of D'Amours was named in his father's lifetime to succeed him, as was also a son of the Attorney-General, D'Auteuil. There are several other cases. A son of Tilly, to whom the right of succeeding his father had been granted, asks leave to sell it to the merchant La Chesnaye.

‡ Commissions of Bouteroue, Du Chesneau, De Meulle, etc.

to be repressed. The king's interposition is necessary." He modestly adds that the intendant is the only man in Canada whom his Majesty can trust, and that he ought to have more power.*

These were far from being his only troubles. The enormous powers with which his commission clothed him were sometimes retrenched by contradictory instructions from the king; † for this government, not of laws but of arbitrary will, is marked by frequent inconsistencies. When he quarrelled with the governor, and the governor chanced to have strong friends at Court, his position became truly pitiable. He was berated as an imperious master berates an offending servant. "Your last letter is full of nothing but complaints." "You have exceeded your authority." "Study to know yourself and to understand clearly the difference there is between a governor and an intendant." "Since you fail to comprehend the difference between you and the officer who represents the king's person, you are in danger of being often condemned, or rather of being recalled, for his Majesty cannot endure so many petty complaints, founded on nothing but a certain *quasi* equality between the governor and you, which you assume, but which does not exist." "Meddle with nothing beyond your functions." "Take good care to tell me nothing but the truth." "You ask too many favors for your adherents." "You must not spend more than you have authority to spend, or it will be taken out of your pay." In short, there are several letters from the Minister Colbert to his colonial man-of-all-work, which, from beginning to end, are one continued scold.‡

The luckless intendant was liable to be held to account for the action of natural laws. "If the population does not increase in proportion to the pains I take," writes the king to Du Chesneau, "you are to lay the blame on yourself for not

* *De Meulle au Ministre*, 12 Nov., 1684.

† Thus, De Meulle is flatly forbidden to compel litigants to bring causes before him (*Instruction pour le Sieur De Meulle*, 1682), and this prohibition is nearly of the same date with the commission in which the power to do so is expressly given him.

‡ The above examples are all taken from the letters of Colbert to the intendant, Du Chesneau. Other intendants are occasionally treated with scarcely more ceremony.

having executed my principal order (*to promote marriages*) and for having failed in the principal object for which I sent you to Canada.” *

A great number of ordinances of intendants are preserved. They were usually read to the people at the doors of churches after mass, or sometimes by the *curé* from his pulpit. They relate to a great variety of subjects, — regulation of inns and markets, poaching, preservation of game, sale of brandy, rent of pews, stray hogs, mad dogs, tithes, matrimonial quarrels, fast driving, wards and guardians, weights and measures, nuisances, value of coinage, trespass on lands, building churches, observance of Sunday, preservation of timber, seignior and vassal, settlement of boundaries, and many other matters. If a *curé* with some of his parishioners reported that his church or his house needed repair or rebuilding, the intendant issued an ordinance requiring all the inhabitants of the parish, “both those who have consented and those who have not consented,” to contribute materials and labor, on pain of fine or other penalty.† The militia captain of the *côte* was to direct the work and see that each parishioner did his due part, which was determined by the extent of his farm; so, too, if the *grand voyer*, an officer charged with the superintendence of highways, reported that a new road was wanted or that an old one needed mending, an ordinance of the intendant set the whole neighborhood at work upon it, directed, as in the other case, by the captain of militia. If children were left fatherless, the intendant ordered the *curé* of the parish to assemble their relations or friends for the choice of a guardian. If a *censitaire* did not clear his land and live on it, the intendant took it from him and gave it back to the seignior.‡

Chimney-sweeping having been neglected at Quebec, the intendant commands all householders promptly to do their duty in this respect, and at the same time fixes the pay of the sweep at six sous a chimney. Another order forbids quarrelling in church. Another assigns pews in due order of precedence to

* *Le Roi à Du Chesneau*, 11 Juin, 1680.

† See, among many examples, the ordinance of 24th December, 1715, *Edits et Ordonnances*, II. 443.

‡ Compare the numerous ordinances printed in the second and third volumes of *Edits et Ordonnances*.

the seignior, the captain of militia, and the wardens. The Intendant Raudot, who seems to have been inspired even more than the others with the spirit of paternal intervention, issued a mandate to the effect that, whereas the people of Montreal raise too many horses, which prevents them from raising cattle and sheep, "being therein ignorant of their true interest, . . . now, therefore, we command that each inhabitant of the *côtes* of this government shall hereafter own no more than two horses or mares and one foal; the same to take effect after the sowing-season of the ensuing year, 1710, giving them time to rid themselves of their horses in excess of said number, after which they will be required to kill any of such excess as may remain in their possession."* Many other ordinances, if not equally preposterous, are equally stringent; such, for example, as that of the intendant Bigot, in which, with a view of promoting agriculture and protecting the morals of the farmers by saving them from the temptations of cities, he proclaims to them: "We prohibit and forbid you to remove to this town (*Quebec*) under any pretext whatever without our permission in writing, on pain of being expelled and sent back to your farms, your furniture and goods confiscated, and a fine of fifty livres laid on you for the benefit of the hospitals. And, furthermore, we forbid all inhabitants of the city to let houses or rooms to persons coming from the country on pain of a fine of a hundred livres, also applicable to the hospitals."† At about the same time a royal edict, designed to prevent the undue subdivision of farms, forbade the country people, except such as were authorized to live in villages, to build a house or barn on any piece of land less than one and a half arpents wide and thirty arpents long; ‡ while a subsequent ordinance of the intendant commands the immediate demolition of certain houses built in contravention of the edict.§

The spirit of absolutism is everywhere apparent. "It is of very great consequence," writes the intendant De Meulle, "that the people should not be left at liberty to speak their minds."||

* *Edits et Ordonnances*, II. 273.

† *Ibid.*, II. 399.

‡ *Ibid.*, I. 585.

§ *Ibid.*, II. 400.

|| "Il ne laisse pas d'être de très grande conséquence de ne pas laisser la liberté au peuple de dire son sentiment." — *De Meulle au Ministre*, 1685.

Hence public meetings were jealously restricted. Even those held by parishioners under the eye of the *curé* to estimate the cost of a new church seem to have required a special license from the intendant. During a number of years a meeting of the principal inhabitants of Quebec was called in spring and autumn by the Council to discuss the price and quality of bread, the supply of firewood, and other similar matters. The Council commissioned two of its members to preside at these meetings, and on hearing their report took what action it thought best. Thus, after the meeting held in February, 1686, it issued a decree, in which, after a long and formal preamble, it solemnly ordained "that besides white-bread and light brown-bread, all bakers shall hereafter make dark brown-bread whenever the same shall be required." * Such assemblies, so controlled, could scarcely, one would think, wound the tenderest susceptibilities of authority; yet there was evident distrust of them, and after a few years this modest shred of self-government is seen no more. The syndic, too, that functionary whom the people of the towns were at first allowed to choose, under the eye of the authorities, was conjured out of existence by a word from the king. Seigneur, *censitaire*, and citizen were prostrate alike in flat subjection to the royal will. They were not free even to go home to France. No inhabitant of Canada, man or woman, could do so without leave; and several intendants express their belief that without this precaution there would soon be a falling off in the population.

In 1671 the Council issued a curious decree. One Paul Dupuy had been heard to say that there is nothing like righting one's self, and that when the English cut off the head of Charles I. they did a good thing, with other discourse to the like effect. The Council declared him guilty of speaking ill of royalty in the person of the king of England and uttering words tending to sedition. He was condemned to be dragged from prison by the public executioner, and led in his shirt, with a rope about his neck, and a torch in his hand, to the gate of the Château St. Louis, there to beg pardon of the king;

* *Edits et Ordonnances*, II. 112.

thence to the pillory of the Lower Town to be branded with a *fleur-de-lis* on the cheek, and set in the stocks for half an hour; then to be led back to prison, and put in irons "till the information against him shall be completed." *

If irreverence to royalty was thus rigorously chastised, irreverence to God was threatened with still sharper penalties. Louis XIV., ever haunted with the fear of the Devil, sought protection against him by his famous edict against swearing, duly registered on the books of the Council at Quebec. "It is our will and pleasure," says this pious mandate, "that all persons convicted of profane swearing or blaspheming the name of God, the most Holy Virgin, his mother, or the saints, be condemned for the first offence to a pecuniary fine according to their possessions and the greatness and enormity of the oath and blasphemy; and if those thus punished repeat the said oaths, then for the second, third, and fourth time they shall be condemned to a double, triple, and quadruple fine; and for the fifth time, they shall be set in the pillory on Sunday or other festival days, there to remain from eight in the morning till one in the afternoon exposed to all sorts of opprobrium and abuse, and be condemned besides to a heavy fine; and for the sixth time, they shall be led to the pillory and there have the upper lip cut with a hot iron; and for the seventh time, they shall be led to the pillory and have the lower lip cut; and if, by reason of obstinacy and inveterate bad habit, they continue after all these punishments to utter the said oaths and blasphemies, it is our will and command that they have the tongue completely cut out, so that thereafter they cannot utter them again." † All those who should hear anybody swear were further required to report the fact to the nearest judge within twenty-four hours, on pain of fine.

This is far from being the only instance in which the temporal power lends aid to the spiritual. Among other cases, the following is worth mentioning: Louis Gaboury, an inhabitant of the island of Orleans, charged with eating meat in Lent without asking leave of the priest, was condemned by the local judge

* *Jugements et Delibérations du Conseil Supérieur.*

† *Édit du Roy contre les Jureurs et Blasphémateurs, du 30 Juillet, 1666.* See *Edits et Ordonnances*, I. 62.

to be tied three hours to a stake in public, and then led to the door of the chapel, there on his knees with head bare and hands clasped to ask pardon of God and the king. The culprit appealed to the Council, who revoked the sentence and imposed only a fine.*

The due subordination of households had its share of attention. Servants who deserted their masters were to be set in the pillory for the first offence, and whipped and branded for the second; while any person harboring them was to pay a fine of twenty francs.† On the other hand, nobody was allowed to employ a servant without a license.‡

In case of heinous charges, torture of the accused was permitted under the French law; and it was sometimes practised in Canada. Condemned murderers and felons were occasionally tortured before being strangled; and the dead body, enclosed in a kind of iron cage, was left hanging for months at the top of Cape Diamond, a terror to children and a warning to evil-doers. Yet, on the whole, Canadian justice, tried by the standard of the time, was neither vindictive nor cruel.

In reading the voluminous correspondence of governors and intendants, the Minister and the king, nothing is more apparent than the interest with which, in the early part of his reign, Louis XIV. regarded his colony. One of the faults of his rule is the excess of its benevolence; for not only did he give money to support parish priests, build churches, and aid the seminary, the Ursulines, the missions, and the hospitals, but he established a fund destined, among other objects, to relieve indigent persons, subsidized nearly every branch of trade and industry, and in numberless other instances did for the colonists what they would far better have learned to do for themselves.

Meanwhile the officers of government were far from suffering from an excess of royal beneficence. La Hontan says that the local governor of Three Rivers would die of hunger if, besides his pay, he did not gain something by trade with the Indians; and that Perrot, local governor of Montreal, with one

* *Histoire du Droit Canadien*, 163.

† *Règlement de Police*, 1676.

‡ *Edits et Ordonnances*, II. 53.

thousand crowns of salary, traded to such purpose that in a few years he made fifty thousand crowns. This trade, it may be observed, was in violation of the royal edicts. The pay of the governor-general varied from time to time. When La Poterie wrote it was twelve thousand francs a year, besides three thousand which he received in his capacity of local governor of Quebec.* This would hardly tempt a Frenchman of rank to expatriate himself; and yet some at least of the governors came out to the colony for the express purpose of mending their fortunes; indeed, the higher nobility could scarcely, in time of peace, have other motives for going there. The Court and the army were their element, and to be elsewhere was banishment. We shall see hereafter by what means they sought compensation for their exile in Canadian forests. Loud complaints sometimes found their way to Versailles. A memorial addressed to the Regent Duke of Orleans, immediately after the king's death, declares that the Ministers of State, who have been the real managers of the colony, have made their creatures and relations governors and intendants, and set them free from all responsibility. High colonial officers, pursues the writer, come home rich, while the colony languishes almost to perishing.† As for lesser offices, they were multiplied to satisfy needy retainers, till lean and starving Canada was covered with official leeches, sucking, in famished desperation, at her bloodless veins.

The whole system of administration centred in the king, who, to borrow the formula of his edicts, "in the fulness of our power and our certain knowledge," was supposed to direct the whole machine, from its highest functions to its pettiest

* In 1674 the governor-general received 20,718 francs, out of which he was to pay 8,718 to his guard of twenty men and officers. — *Ordonnance du Roy*, 1675. Yet in 1677, in the *Etat de la Dépense que le Roy veut et ordonne estre faite*, etc., the total pay of the governor-general is set down at 3,000 francs, and so also in 1681, 1682, and 1687. The local governor of Montreal was to have 1,800 francs, and the governor of Three Rivers 1,200. It is clear, however, that this *Etat de dépense* is not complete, as there is no provision for the intendant. The first councillor received 500 francs, and the rest 300 francs each, equal in Canadian money to 400. An ordinance of 1676 gives the intendant 12,000 francs. It is tolerably clear that the provision of 3,000 francs for the governor-general was meant only to apply to his capacity of local governor of Quebec.

† *Mémoire adressé au Régent*, 1715.

intervention in private affairs. That this theory, like all extreme theories of government, was an illusion, is no fault of Louis XIV. Hard-working monarch as he was, he spared no pains to guide his distant colony in the paths of prosperity. The prolix letters of governors and intendants were carefully studied; and many of the replies, signed by the royal hand, enter into details of surprising minuteness. That the king himself wrote these letters is incredible; but in the early part of his reign he certainly directed and controlled them. At a later time, when more absorbing interests engrossed him, he could no longer study in person the long-winded despatches of his Canadian officers. They were usually addressed to the Minister of State, who caused abstracts to be made from them, for the king's use, and perhaps for his own.* The Minister or the Minister's secretary could suppress or color as he or those who influenced him saw fit.

In the latter half of his too long reign, when cares, calamities, and humiliations were thickening around the king, another influence was added to make the theoretical supremacy of his royal will more than ever a mockery. That prince of annalists, Saint-Simon, has painted Louis XIV. ruling his realm from the bedchamber of Madame de Maintenon; seated with his Minister at a small table beside the fire, the king in an arm-chair, the Minister on a stool with his bag of papers on a second stool near him. In another arm-chair, at another table, on the other side of the fire, sat the sedate favorite, busy to all appearance with a book or a piece of tapestry, but listening to everything that passed. "She rarely spoke," says Saint-Simon, "except when the king asked her opinion, which he often did; and then she answered with great deliberation and gravity. She never or very rarely showed a partiality for any measure, still less for any person, but she had an understanding with the Minister, who never dared do otherwise than she wished. Whenever any favor or appointment was in question, the business was settled between them beforehand. She would send to the Minister that she wanted to speak to him,

* Many of these abstracts are still preserved in the archives of the Marine and Colonies.

and he did not dare bring the matter on the carpet till he had received her orders." Saint-Simon next recounts the subtle methods by which Maintenon and the Minister, her tool, beguiled the king to do their will, while never doubting that he was doing his own. "He thought," concludes the annalist, "that it was he alone who disposed of all appointments, while in reality he disposed of very few indeed, except on the rare occasions when he had taken a fancy to somebody or when somebody whom he wanted to favor had spoken to him in behalf of somebody else."*

Add to all this the rarity of communication with the distant colony. The ships from France arrived at Quebec in July, August, or September, and returned in November. The machine of Canadian government, wound up once a year, was expected to run unaided at least a twelvemonth. Indeed, it was often left to itself for two years, such was sometimes the tardiness of the overburdened government in answering the despatches of its colonial agents. It is no matter of surprise that a writer well versed in its affairs calls Canada the "country of abuses."†

FRANCIS PARKMAN.

* *Mémoires du Duc de Saint-Simon*, XIII. 38, 39 (Chernel, 1857). Saint-Simon, notwithstanding the independence of his character, held a high position at Court, and his acute and careful observation, joined to his familiar acquaintance with ministers and other functionaries, both in and out of office, gives a rare value to his matchless portraiture.

† *Etat présent du Canada*, 1758.

ART. II. — THE MECKLENBURG DECLARATION OF INDEPENDENCE,
MAY 20, 1775.

1. *Documents showing that Mecklenburg County, North Carolina, declared Independence of Great Britain, May 20, 1775.* Raleigh: J. Gales and Son. 1822.
2. *The History of North Carolina from the Earliest Period.* By FRANÇOIS XAVIER MARTIN. 2 vols. New Orleans: A. T. Penniman & Co. 1829.
3. *The Declaration of Independence by the Citizens of Mecklenburg County on the 20th Day of May, 1775, with accompanying Documents.* Published by the Governor, under the Authority and Direction of the General Assembly of the State of North Carolina. Raleigh. 1831.
4. *A Defence of the Revolutionary History of the State of North Carolina from the Aspersions of Mr. Jefferson.* By JO. SEAWELL JONES. Boston. 1834.
5. *American Archives: Fourth Series. Containing a Documentary History of the English Colonies in North America, from the King's Message to Parliament, of March 7, 1774, to the Declaration of Independence by the United States.* By PETER FORCE. (Vols. I. — VI.) Washington. 1837–1846.
6. *Sketches of North Carolina, Historical and Biographical, illustrative of the Principles of a Portion of her Early Settlers.* By REV. WILLIAM HENRY FOOTE. New York: Robert Carter. 1846.
7. *Historical Sketches of North Carolina from 1584 to 1851. Compiled from Original Records, Official Documents, and Traditional Statements.* By JOHN H. WHEELER. Philadelphia: Lippincott & Co. 1851.
8. *The Mecklenburg Declaration of Independence. A Lecture delivered by the REV. FRANCIS L. HAWKS, D. D., LL. D., before the New York Historical Society at Metropolitan Hall, December 16, 1852.*

IN the year 1819 the "Raleigh Register" surprised its readers and the general public interested in historical inquiries with the announcement that the people of Mecklenburg County,

in the State of North Carolina, had, on the 20th day of May, in the year 1775, openly declared their independence of Great Britain, and in terms so similar to those employed by Mr. Jefferson in penning the National Declaration of July 4, 1776, as to create the suspicion that he had borrowed a portion of his phraseology from the earlier paper. The printed copy of the alleged Mecklenburg Declaration of Independence, as then given to the public for the first time, nearly forty-four years after the event it signalizes, was accompanied with an historical statement purporting to have been written contemporaneously with the original promulgation of the manifesto, and to recite the circumstances in which the manifesto had its origin and motive.

According to this statement, it would appear that in the spring of the year 1775 the leading personages of Mecklenburg County held several detached meetings, in which the sentiment was freely expressed that "the cause of Boston was the cause of all," and that the first shock of British power in its encroachments on American liberty, if not resisted there, would ultimately overwhelm the people of the whole continent in a common calamity. In this state of public sentiment, and moved, it is said, by the solicitations of others, Colonel Thomas Polk, the commanding officer of the Mecklenburg militia, issued an order to each captain's company in the county to elect two persons from their number who should act as delegates at a meeting to be held in the town of Charlotte, the county seat, on the 19th of May in that year, "for the purpose of devising ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm."

It is stated that a delegation from the militia companies met, in conformity with this order, at the time and place appointed, and, by a fortuitous coincidence, the news of the battle of Lexington, fought on the preceding 19th of April, was brought by express to the town of Charlotte on that same day. The tide of popular indignation, swollen, it is said, by this exciting intelligence, could no longer be restrained within the bounds of moderation, and so, "after a full and free dis-

cussion," the following Declaration of Independence was unanimously adopted by the delegates : —

" *Resolved*, That whosoever directly or indirectly abetted or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America, and to the inherent and inalienable rights of man.

" *Resolved*, That we, the citizens of Mecklenburg County, do hereby dissolve the political bonds which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British crown, and abjure all political connection, contract, or association with that nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American patriots at Lexington.

" *Resolved*, That we do hereby declare ourselves a free and independent people, and of right ought to be a sovereign and self-governing association, under the control of no power other than that of our God and the general government of the Congress ; to the maintenance of which independence we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

" *Resolved*, That as we now acknowledge the existence and control of no law, or legal officer, civil or military, within the county, we do hereby ordain and adopt as a rule of life, all, each, and every of our former laws, wherein, nevertheless, the crown of Great Britain never can be considered as holding rights, privileges, and immunities or authorities therein.

" *Resolved*, That it is further decreed, that all, each, and every military officer in this county is hereby reinstated in his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, namely, a justice of the peace, in the character of a "committee-man," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, union, and harmony in said county ; and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province."

It is further stated that a number of by-laws were adopted at the same time to protect the association from confusion, and to

regulate the general conduct of the people as citizens. The meeting and its deliberations lasted, we are told, far into the night of the 19th, and indeed it was not until two o'clock in the morning of the 20th of May that the work of the convention was completed.

A few days afterwards, proceeds the chronicler (still purporting to write on the 20th of May), Captain James Jack, of Charlotte, was deputed as a messenger to convey a copy of these resolves and proceedings to the Continental Congress then sitting in Philadelphia, as also to deliver a letter addressed to the North Carolina members in that body, — Messrs. Richard Caswell, William Hooper, and Joseph Hewes, — requesting them “to use all possible means to have the said proceedings sanctioned and approved by the general Congress.” On the return of Captain Jack, says the compiler of these annals, still professing to write under the date of the alleged Declaration, he reported that the proceedings were “individually approved by the members of Congress, but that it was deemed premature to lay them before the House.” And we are next informed that the regulations established at the time of the Declaration continued in force for months afterwards; that to them were due the subsequent harmony and exertions of the Mecklenburg people in the cause of liberty; that the acts of the delegation were also approved by the Council of Safety which met in the year 1776; and that from this delegation originated a court of inquiry whose jurisdiction, we are told, was “as unlimited as toryism” in the following years.

In the presence of such anachronisms the reader perceives at once that we are called to deal with a paper which, whatever may be said in defence of its genuineness or authenticity as an historical record, has been obviously antedated by its compiler. The date which it bears on its face is discredited by the nature of its contents. But the Declaration of Independence above given, and the historical memorandum published in the “*Raleigh Register*” of April 30, 1819, purported to be authenticated in their present shape by the following certificate: —

“The foregoing is a true copy of the papers on the above subject left in my hands by John McKnitt Alexander, deceased. I find it mentioned on file that the original book was burned April, 1800;

that a copy of the proceedings was sent to Hugh Williamson, in New York, then writing a history of North Carolina, and that a copy was sent to General W. R. Davie.

“J. McKNITT.”

At the date of the first publication of this paper, in the year 1819, it was not known to the public, at least outside of North Carolina, that the signature of “J. McKnitt” stood for the name of Dr. Joseph McKnitt Alexander, a son of the John McKnitt Alexander from whom the paper purports to have been derived. Nor was it known at that time that the certificate itself differs in the most essential particulars from the certificate affixed by the same hand to the copy placed in the care of General Davie. It will subsequently appear that the document thus mysteriously hidden from sight for forty-odd years was very unfortunate in the auspices under which it emerged into publicity.

The paper, at its appearance, was greeted with universal expressions of amazement. Many among the most prominent actors of the Revolutionary era were then still living, and to them it came with an especial surprise. A copy having found its way to John Adams, he called the attention of Mr. Jefferson to the matter in a letter under date of June 22, 1819, in which he described it as “one of the greatest curiosities and one of the deepest mysteries that had ever occurred to him.” “How is it possible,” he added, “that this paper should have been concealed from me to this day? Had it been communicated to me in the time of it, I know, if you do not know, that it would have been printed in every Whig newspaper on this continent. You know that if I had possessed it I would have made the hall of Congress echo and re-echo with it fifteen months before your Declaration of Independence.”*

The eloquent advocate of the Revolution expressed himself in these emphatic terms under the impression, of course, that the Mecklenburg resolutions were genuine, and that the historical statement accompanying them was authentic. But Mr. Jefferson, in his reply, written under date of July 9, 1819, avowed the opinion that the paper purporting to emanate from Mecklenburg was little better than “a very unjustifiable quiz.”

* The Works of John Adams, Vol. X. pp. 380, 381.

In support of this opinion, he instanced the following grounds of suspicion : —

“It appeals to an original book which is burned ; to Mr. Alexander, who is dead ; to a joint letter from Caswell, Hewes, and Hooper, all dead ; to a copy sent to the dead Caswell,* and another sent to Dr. Williamson, now probably dead, whose memory did not recollect, in the history he has written of North Carolina, this gigantic step of its county of Mecklenburg.”

Mr. Adams, in writing again to another of his correspondents, Mr. William Bentley, on the 5th of July in that same year, and therefore before Mr. Jefferson’s reply could have been received, intimated the opinion that Mr. Jefferson must have seen the paper at the time of its appearance in 1775, because, adds Mr. Adams, “he has copied the spirit, the sense, and the expressions of it *verbatim* into his Declaration of the 4th of July, 1776.” †

In so writing, Mr. Adams referred, we need not say, to certain forms of expression which are common to the Declaration penned by Mr. Jefferson, and to the document purporting to have been uttered by the patriots of Mecklenburg on the 20th of May, 1775. It was perceived at once that such phrases as “dissolve the political bonds which have connected,” etc. ; “are, and of right ought to be,” etc. ; “absolve ourselves from all allegiance to the British crown” ; “we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor,”—were too many in number and peculiar in structure to be accidental coincidences. And so a battle was joined, which lasted for many years, between those who, on the strength of the Mecklenburg paper, charged Mr. Jefferson with stealing from it these “choicest of his phrases,” and those who sought to vindicate him from this aspersion by impeaching the genuineness of the paper on the faith of which he was accused.

A little closer inquiry into the merits of this question would have disclosed to both parties that the issue between them was mistakenly joined. For, in point of fact, it is Richard Henry

* A mistake of Mr. Jefferson’s. He intended to designate General Davie, who was still living at that time.

† John Adams’s Works, Vol. X. p. 381.

Lee, and not Mr. Jefferson, who is responsible for the introduction of all these phrases into the Declaration of Independence, except one. The committee charged with the preparation of that Declaration had been instructed to draw it in conformity with the resolution passed by Congress on the 2d of July, 1776, which resolution, known to have been penned by Richard Henry Lee, ran as follows:—

“Resolved, That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the state of Great Britain is, and of right, ought to be, dissolved.”

It will be seen, therefore, that as between Mr. Jefferson and the author of the Mecklenburg Declaration, the only question that can arise under this head relates to the origin of the famous phrase in which they both enunciate the pledge of “lives, fortunes, and sacred honor.” And from this phrase we ought to rule out the words, “our lives and fortunes,” for the pledge of *these* was among the commonplaces of that time. It occurs *passim* in the political literature of 1775 and 1776. It would appear, then, that those who have sought to find in the Mecklenburg Declaration a “coigne of vantage” from which to discharge their arrows at Mr. Jefferson’s literary fame, have wasted their strength in an idle contention.*

A few years after Jefferson’s death, the controversy on this subject not having been yet composed, the Legislature of North Carolina took the matter in hand as an inquiry deeply concerning the legitimate pride of the State, if, as many believed, it could be shown by indubitable proofs that the patriotic citizens of Mecklenburg had been the first of all the American

* What gossamer fancies the human mind can weave when it invents both its facts and its explanations of them may be seen in a curious tractate published by the Rev. Dr. Thomas Smyth of Charleston, S. C., in the year 1847, under the title of the “True Origin and Source of the Mecklenburg and the National Declaration of Independence,” in which, assuming the genuineness of the former, he argues that the authors of both, in the common use of certain peculiar expressions, may have drawn their inspiration from a common source, to wit, the Confessions, Covenants, and Bands of the Scotch Presbyterians in the sixteenth and seventeenth centuries! Needless to add that Dr. Smyth made this remarkable discovery with a pair of Presbyterian spectacles.

people to formulate in express terms that full-voiced declaration which was not articulated by the chosen representatives of the United Colonies until thirteen months and more after the manifesto proclaimed at Charlotte in the "Old North State." The emulous North-Carolinian, noted among his countrymen as much for his modesty as his merit, not unnaturally dreamed again the dream of Joseph, and, as in a vision, saw his sheaf standing upright, and the sheaves of his brethren standing around and doing obeisance to his sheaf.

A committee of the General Assembly of North Carolina was appointed at the session of 1830-31 to "collate and arrange" all the documents accessible to them "touching the Declaration of Independence by the citizens of Mecklenburg," as also to collect new evidence in support of its genuineness and authenticity. The committee performed their task and submitted a report, in which they expressed the opinion that the testimonials they had gathered respecting the authenticity of the Declaration would be sufficient to "silence incredulity." We proceed to give a digest of this evidence, following the order in which the testimonials are published by the committee.

Captain James Jack, the bearer of the "Declaration" to the Continental Congress at Philadelphia, being interrogated in the year 1819, when he was eighty-eight years old, as to the part he had taken in this transaction, certifies that he delivered "a Declaration of Independence of May, 1775," to Richard Caswell and William Hooper, but does not fix its precise date, merely premising that he "was privy to a number of meetings" about that time.

Messrs. Alphonso Alexander, Amos Alexander, and J. McKnitt certify in the year 1830 that they had frequently heard William S. Alexander, deceased, say that he was in Philadelphia on the day that General Washington left that city to take command of the Northern army, and that he then met Captain Jack, who informed him that he [Captain J.] was there as "the bearer of the Declaration of Independence, made in Charlotte on the 20th day of May."

The Rev. Francis Cummins, writing in the year 1819, "cannot as to date be so particular as he could wish," but is "perfectly sure" that the Mecklenburg Declaration was prior to the 4th of July 1776.

General Joseph Graham, a son-in-law of John McKnitt Alexander,

certifies in the year 1830 that, as "a lad about half grown," he was present when the Declaration was passed, and he fixes its date at May 20. He recalls the interesting fact that one among the reasons offered for making the Declaration was "that the king or Ministry had, by proclamation, or some edict, declared the Colonies out of the protection of the British crown," and recites other incidents under this head.

Next comes an extract from an unpublished memoir by the Rev. Humphrey Hunter, purporting to be a manuscript account of the Revolutionary War in the South, but when the memoir was compiled we are not authentically informed. Mr. Hunter recites that the militia delegates met at Charlotte on the 19th of May, 1775; that they passed the Declaration in the shape ascribed to it by John McKnitt Alexander; that on the next day it was publicly read at the Court House door by Colonel Thomas Polk, and a copy then drawn off and sent to Captain Jack to Philadelphia. He further records that by-laws and regulations for the government of a standing Committee of Public Safety were enacted at the same time.

Messrs. George Graham, William Hutchison, Jonas Clark, and Robert Robinson, some time in the year 1819 or 1820, unite in a certificate, given at the request of Colonel William Polk (son of Colonel Thomas Polk), to the effect, that the delegates met on the 19th of May, continued in session till late in the night of that day, and formed several resolves "which went to declare themselves and the people of Mecklenburg County free and independent." They express the belief that the Declaration was drawn by Dr. Ephraim Brevard, whom they name as the sole secretary of the meeting.

John Simeson in the year 1820, writing at the instance of Colonel William Polk, certifies, with the hesitation incident to what he calls "a precarious feeble old age," that he is inclined to think the Declaration was drawn by Dr. Brevard, "from his known talents in composition"; that "in substance and form it was like that great national act agreed on thirteen months after"; that it was passed "towards the close of May, 1775," and that he heard Colonel Thomas Polk read it, together with a long string of grievances and a military order "appointing three men to secure all the military stores for the county's use, — Thomas Polk, John Pfifer, and Joseph Kennedy."

Isaac Alexander, in the year 1830, certifies that he was present at Charlotte on the 19th and 20th of May when the delegates, Ephraim Brevard being secretary of the meeting, declared their independence of Great Britain.

Samuel Wilson certifies, without date, that the Declaration was made in May, 1775; that he was present, and heard it read from the Court House door.

John Davidson, in the year 1830, states that he was then "the only person living who was a member of that convention"; that "being far advanced in years and not having his mind frequently directed to that circumstance," he can give "but a very succinct history of the transaction," and this, too, although he was a delegate from the same company as John McKnitt Alexander. He is confident, however, that "the Declaration of Independence by the people of Mecklenburg was made public at least twelve months before that of the Congress of the United States."

James Johnson certifies in the year 1827, when he was seventy-three years old, to the general fact that Mecklenburg County "declared independence and sent a man to Philadelphia with the proceedings."

The foregoing digest comprises, we think, all the essential facts disclosed by this testimony. The testimony itself was held by the believers in the genuineness of the Mecklenburg Declaration to substantiate the fact that such a Declaration was actually made, and that it was passed on the 20th of May, in the year 1775. On the strength of this evidence Dr. Hawks, in his address delivered before the New York Historical Society on the 16th of December, 1852, held the following emphatic language:—

"First, then, no less than seven witnesses of the most unexceptionable character swear positively that there was a meeting of the people of Mecklenburg at Charlotte on the 19th and 20th days of May, 1775; that certain resolutions distinctly declaring independence of Great Britain were then and there prepared by a committee, read publicly to the people by Colonel Thomas Polk, and adopted by acclamation; that they were present and took part in the proceedings themselves, and that John McKnitt Alexander was a secretary of the meeting. These seven swear positively to the date, the 19th and 20th days of May, 1775. In addition seven others, equally above suspicion, swear that they were present at precisely such a meeting as that described above. . . . Well, then, here are fourteen unimpeachable witnesses, who, either by positive statements as to time, or by facts proved to have occurred on a particular occasion, *which facts do fix the time*; here, I say, are fourteen witnesses, who, if human

testimony can prove anything, do show beyond all peradventure that on the 20th of May, 1775, a certain paper was read and adopted in their hearing, whereby the people of Mecklenburg County did abjure allegiance to the British crown, and did declare themselves independent. Such a paper, then, was in existence on that day, and was in the possession of the secretary, John McKnitt Alexander."

If Dr. Hawks had wished to set the fallibility of human testimony in the light of a signal example he could not have written more to the purpose of those who would guard themselves against a too easy credulity in the case of his fourteen witnesses. With their published testimony before him he has, inadvertently we doubt not, misstated its most essential particulars. He speaks of them all as having been sworn. Not one of them was sworn. He says that seven of them swear that John McKnitt Alexander was a secretary of the meeting. Only one of them mentions Alexander as the sole secretary, and he was the son-in-law of that gentleman. One other mentions him as co-secretary with Brevard. Dr. Hawks says that seven of them swear to the precise date of the Declaration as May 20, 1775, and that the remaining seven certify to facts which "fix the time" at the same date. We shall soon see that the most significant of these facts directly rebut the inference that he draws in the premises. And if under the bias of a *parti pris* it was possible for a man of Dr. Hawks's perspicacity, to fall into such loose allegations of supposititious fact, what might we not expect at the hand of witnesses, however honest, with minds laboring under the same prepossessions and staggering besides under the burden of years?

Hence this array of testimony did not avail to "silence incredulity" at the time of its official publication. There were still those who urged, by way of exception to its cogency, that no original manuscript or printed copy contemporaneous with the date of the alleged Declaration was now in existence. And the reference which, in default of such primary proofs, was made to copies at second hand served rather to mystify than to elucidate the question at issue. A copy, it is said, was given to Dr. Williamson, and Governor Stokes avers in the year 1831 that he "well recollects" to have seen it in Williamson's possession in the year 1793, "together with a letter from John

McKnitt Alexander"; but this copy has entirely disappeared. The copy given by Alexander to General Davie is certified to have been identical with that published in the year 1819. Besides all these copies, there is still another which first came to light in Martin's History of North Carolina, published in the year 1829. Martin's recension of the document is different from Alexander's, but nobody knows the source from which it is drawn. *Caput inter nubila condit*. Between these two copies—that of Martin and that of Alexander—there are material differences of phraseology in each resolution of the series composing the so-called Declaration, and one entire resolution contained in the Martin rendering is wanting in the Alexander version.

In view of these discrepancies, it was from the first an easy matter for the unbelievers in the genuineness of the so-called Mecklenburg Declaration of Independence to justify their incredulity by pleading that, as both the current versions could not be true copies of the original, it was competent to reject them both as unhistorical until the one should be authenticated to the exclusion of the other. After allowing all due weight to the testimony of the venerable men who alleged that they had participated in a meeting in which "independence" was declared, it still remained easy to object that such evidence could not be deemed conclusive when we reflect that they all testify on the strength of mere memory, after a lapse of more than forty or fifty years, concerning the peculiar phraseology and exact import of resolutions which they had heard only once, as read from the steps of a Court House.* And the attestation which they gave labored necessarily under the suspicion attaching to all testimony given in answer to leading questions, for they were not called to testify until their minds had been preoccupied by the publications made on this

* If anybody among those present might have been expected to remember the events of the alleged meeting, it was certainly Colonel William Polk, the son of Colonel Thomas Polk; yet we find one of the witnesses, John Simeson, to whom he had applied for information, replying to him as follows: "Yourself, sir, in your eighteenth year, and on the spot, — your worthy father the most popular and influential character of the county, — and yet you cannot state much from recollection." In point of fact, he left no written statement at all, but procured testimony to contradict some points of John McKnitt Alexander's story.

subject in the newspapers of the day between the years 1819 and 1830.* Moreover, we know how easy it is for men to accept and accredit as true anything which they do not distinctly perceive to be false, especially when their own inclinations jump with the prevalent emotions of the community in which they dwell. *Libenter homines id quod volunt credunt.*

While the question raised respecting the authenticity and genuineness of the Mecklenburg Declaration stood in the dubious attitude in which it had been left by the publication of the North Carolina Legislature, that indefatigable antiquarian and devoted student of American history, the late Peter Force, of Washington, in compiling materials for his "American Archives," came upon a series of declaratory resolutions adopted by "the Committee-men" of Mecklenburg County on the 31st of May, 1775. This manifesto, it appears, had been widely disseminated at the time of its promulgation, but the memory, as well of its existence as of its precise form and contents, had entirely faded away from the public mind soon after the Revolutionary War. It was seen at once by Mr. Force that these resolutions, comprising as they did in their terms a *virtual* declaration of independence, offered themselves as "the missing link" which might serve to identify the ambiguous tradition of North Carolina with a veritable fact in her documentary history.† A full copy of these resolutions reads as follows:—

CHARLOTTETOWN, MECKLENBURG COUNTY, May 31st, 1775.

This day the Committee of this county met and passed the following resolves:—

Whereas, By an address presented to His Majesty by both houses of Parliament in February last, the American Colonies are declared to

* Thus Captain James Jack begins his testimony as follows: "*Having seen in the newspapers some pieces respecting the Declaration of Independence by the people of Mecklenburg,*" etc. General Joseph Graham says the resolutions reported to the meeting were, "as near as I can recollect, in the very words *we have since seen them several times in print.*"

† Mr. Force announced the discovery of these resolutions in the "National Intelligencer" of December 18, 1838. He found them at first, as they had been partly reprinted, in the "New York Journal" of June 29, 1775, and subsequently he met with another condensed copy of them in the "Massachusetts Spy" of July 12 in that year. In the year 1847, Dr. Joseph Johnson found a copy of the

be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the King and Parliament are annulled and vacated, and the former civil constitution of these colonies for the present wholly suspended, to provide in some degree for the exigencies of this county in the present alarming period, we deem it proper and necessary to pass the following resolves, viz. :—

I. That all commissions, civil and military, heretofore granted by the crown to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.

II. That the Provincial Congress of each Province, under the direction of the great Continental Congress, is invested with all legislative and executive powers within their respective provinces, and that no other legislative or executive power does or can exist at this time in any of these colonies.

III. As all former laws are now suspended in this Province, and the Congress has not yet provided others, we judge it necessary, for the better preservation of good order, to form certain rules and regulations for the internal government of this county, until laws shall be provided for us by the Congress.

IV. That the inhabitants of this county do meet on a certain day appointed by the committee, and, having formed themselves into nine companies (to wit, eight for the county and one for the town), do choose a colonel and other military officers, who shall hold and exercise their several powers by virtue of the choice, and independent of the crown of Great Britain and former constitution of this province.

V. That, for the better preservation of the peace and administration of justice, each of those companies do choose from their own body two discreet freeholders, who shall be empowered each by himself, and singly, to decide and determine all matters of controversy arising within said company, under the sum of twenty shillings, and jointly and together all controversies under the sum of forty shillings, yet so as their decisions may admit of appeal to the Convention

entire series in the "South Carolina Gazette" of June 13, 1775; and Mr. Bancroft, while Minister of the United States at London, discovered in the British State Paper Office another copy of the entire series as preserved in the same journal, which, it appears, had been transmitted to the British Secretary of State by the colonial governor of Georgia in the year 1775, that "his Lordship might see the extraordinary resolves of the people of Charlottetown in Mecklenburg County." Governor Martin, of North Carolina, also sent a copy to the British Secretary on the 30th of June in the same year.

of the Select Men of the county, and also that any one of these men shall have power to examine and commit to confinement persons accused of petit larceny.

VI. That those two Select Men thus chosen do jointly and together choose from the body of their particular company two persons to act as constables, who may assist them in the execution of their office.

VII. That upon the complaint of any persons to either of these Select Men, he do issue his warrant directed to the constable, commanding him to bring the aggressor before him to answer said complaint.

VIII. That these select eighteen Select Men thus appointed do meet every third Thursday in January, April, July, and October at the Court House in Charlotte, to hear and determine all matters of controversy for sums exceeding 40s., also appeals; and in case of felony to commit the person convicted thereof to close confinement until the Provincial Congress shall provide and establish laws and modes of proceeding in all such cases.

IX. That these eighteen Select Men thus convened do choose a clerk to record the transactions of said convention, and that said clerk, upon the application of any person or persons aggrieved, do issue his warrant to any of the constables of the company to which the offender belongs, directing said constable to summon and warn said offender to appear before said convention at their next sitting to answer the aforesaid complaint.

X. That any person making complaint, upon oath, to the clerk, or any member of the convention, that he has reason to suspect that any person or persons indebted to him in a sum above forty shillings intend clandestinely to withdraw from the county without paying the debt, the clerk or such member shall issue his warrant to the constable, commanding him to take said person or persons into safe custody until the next sitting of the convention.

XI. That when a debtor for a sum above forty shillings shall abscond, and leave the county, the warrant granted as aforesaid shall extend to any goods or chattels of said debtor as may be found, and such goods or chattels be seized and held in custody by the constable for the space of thirty days, in which time, if the debtor fail to return and discharge the debt, the constable shall return the warrant to one of the Select Men of the company, where the goods are found, who shall issue orders to the constable to sell such a part of said goods as shall amount to the sum due.

That when the debt exceeds forty shillings, the return shall be made to the convention, who shall issue orders for sale.

XII. That all receivers and collectors of quit rents, public and county taxes, do pay the same into the hands of the chairman of this committee, to be by them disbursed as the public exigencies may require, and that such receivers and collectors proceed no further in their office until they be approved of by, and have given to, this committee good and sufficient security for a faithful return of such moneys when collected.

XIII. That the committee be accountable to the county for the application of all moneys received from such public officers.

XIV. That all these officers hold their commissions during the pleasure of their several constituents.

XV. That this committee will sustain all damages to all or any of their officers thus appointed, and thus acting, on account of their obedience and conformity to these rules.

XVI. *That whatever person shall hereafter receive a commission from the crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country;* and upon confirmation being made to the captain of the company in which he resides, the said company shall cause him to be apprehended and conveyed before two Select Men, who, upon proof of the fact, shall commit said offender to safe custody, until the next sitting of the committee, who shall deal with him as prudence may direct.

XVII. That any person refusing to yield obedience to the above rules shall be considered equally criminal, and liable to the same punishment as the offenders above last mentioned.

XVIII. That these resolves be in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the province shall provide otherwise, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.

XIX. That the eight militia companies in this county provide themselves with proper arms and accoutrements, and hold themselves in readiness to execute the commands and directions of the General Congress of this province and this committee.

XX. That the committee appoint Col. Thomas Polk and Dr. Joseph Kennedy to purchase three hundred pounds of powder, six hundred pounds of lead, one thousand flints, for the use of the militia of this county, and deposit the same in such place as the committee may hereafter direct.

Signed by order of the committee,

EPH. BREVARD,
Clerk of the Committee.

It will be seen that these resolutions do not formally declare independence, but they assume its existence as an accomplished fact which had been brought about by the then existing posture of events. They premise as their basis that the British Parliament by declaring the Colonies in a state of actual rebellion had left the people of America free to assume that all laws and commissions emanating from the king or Parliament were annulled and vacated, and that the former civil constitution of the Colonies was, for the present, wholly suspended. To provide for the exigencies thus created in Mecklenburg County, they ordain that all civil and military commissions heretofore granted by the crown are null and void, and the constitution of each particular Colony wholly suspended; that all legislative and executive powers were then vested in the Provincial Congress of each Colony under the direction of the Continental Congress; that as all former laws were then suspended in North Carolina, and as the Congress of the Province had not yet provided others, the people of Mecklenburg should proceed to form certain rules for the internal government of the county until laws should be provided by the Congress; that the military officers of the county when chosen by the people should hold and exercise their several powers by virtue of the popular choice, "*and independent of the crown of Great Britain and former constitution of this Province*"; that whatever person should hereafter receive a commission from the crown or attempt to exercise any such commission heretofore received should be deemed an enemy to his country; that these resolutions should be "in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the Province should provide otherwise, *or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America*"; and finally, as an evidence that these resolutions were not meant to be *brutum fulmen*, they direct the eight militia companies of the county to provide themselves with proper arms and accoutrements, and Colonel Thomas Polk and Dr. Joseph Kennedy were appointed to purchase on behalf of the county three hundred pounds of powder, six hundred pounds of lead, and one thousand flints.

With these resolutions before us, we are now able to perceive

that some of the aged men who between the years 1819 and 1830 certified that they were present at a meeting in Charlotte on the 20th of May, 1775, and that the so-called Mecklenburg Declaration of Independence was then and there adopted, must be understood to have had the meeting of May 31, and the declaration then made, in the intendment of their minds. This is made apparent, not only by the general drift of the later manifesto, meeting, as it does, the precise conditions of the problem then presented to the minds of the American people, but also by certain particular facts to which these witnesses refer as having happened contemporaneously with the date of the Declaration, whatever may have been its substance or form.

For instance, General Joseph Graham, one of the most intelligent in their number, informs us that among other reasons offered at the time for making the Declaration was the fact that "the king or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British crown." Now, this statement is doubtless inspired by a reminiscence of the proposition contained in the preamble of the series adopted on the 31st of May; for that preamble substantially embodies the very reason which General Graham says he remembers to have been put forth in justification of the Declaration at the time it was made. Yet he says that the Declaration took place on the 20th of May, while making it plain that his recollections were reverting to the meeting and manifesto of May 31. The whole discussion, which he rehearses as being contemporaneous with the "Declaration," precisely fits the political situation revealed by that document. The echoes of the meeting held on that day must have been still ringing in his ears when he reproduced the debates of the village hustings. He was only slightly mistaken in the address he gave to them.

In like manner, Mr. John Simeson, in affirming that three men, Thomas Polk, John Pfifer, and Joseph Kennedy, were appointed to secure military stores for the county, on the same day when the Declaration was promulged, must have meant to designate the meeting held on the 31st of May, for it was on that day that such a committee as he describes was created,

and he erred only in adding one name too many to the list of its members.

The repeated references, moreover, which the witnesses make to the "setting up a government for themselves under the title of the Committee of Safety," clearly point to the series of May 31. And the representations contained under this head in the so-called Declaration of May 20, and in its accompanying historical appendix, as transmitted by John McKnitt Alexander, are obviously nothing more than the "counterfeit presentations" of a memory striving to reproduce the authentic transactions of May 31. Else we must believe that Mecklenburg regulated "the general conduct of her citizens" twice, at the two dates, which stand only ten or eleven days apart.

Besides all this, the preponderance of the testimony borne by the witnesses with respect to the person who acted as secretary of the meeting which "declared independence" points rather to the meeting of May 31 than to that alleged to have been held on the 20th preceding. By only one witness is John McKnitt Alexander named as the clerk of the convention, while by six Dr. Ephraim Brevard is so designated, and another witness names them both in this relation. As we have record proof that Dr. Brevard was secretary of the meeting which passed the resolves of May 31, it certainly seems most probable that those who certify to his presence as secretary at a meeting in which a declaration of independence was adopted have slightly antedated and confounded their recollections by identifying them with the published document of the year 1819, which, till the year 1837, assumed to wear, without a rival, all the dignities of a great event, in the annals of Mecklenburg.

It will thus be seen that the most significant facts proved to have occurred contemporaneously with the Mecklenburg manifesto, whatever its date and whatever its purport may have been, "and which facts do fix the time," in the idea of Dr. Hawks (and in fixing the time ascertain also the nature of the declaration), are precisely the grounds on which we now can demonstrate that it was the meeting and declaration of May 31 to which the memory of these witnesses was involuntarily recurring. Even in assenting to another date and another transaction, they certify to facts which explode the very hypothesis they were cited to confirm.

But we are not left to rely only on historical probabilities and inferential reasoning in support of the opinion that it was the manifesto of May 31, and not one alleged to have been made on the 20th of that month, which was despatched by a messenger to the Continental Congress at Philadelphia. Whatever was the paper thus forwarded, we know that Captain Jack was its bearer, and we have positive contemporaneous evidence that the paper which he bore was the series of resolves passed on May 31.

Before these resolves had been discovered by Mr. Force, it was historically known that Josiah Martin, the colonial governor of North Carolina, in a proclamation under date of August 8, 1775, written on board a British gunboat, the *Cruiser*, had aimed some very wrathful thunderbolts against the seditious practices of the North Carolina people, and among the proceedings signalized for special reprobation are "the resolves of a set of people styling themselves a Committee of the County of Mecklenburg." He wrote:—

"I have seen a most infamous publication in the '*Cape Fear Mercury*,' importing to be resolves of a set of people styling themselves a *Committee of the County of Mecklenburg*, most traitorously declaring the entire dissolution of the laws, government, and constitution of this country, setting up a system of rule and regulation repugnant to the laws and subversive of his Majesty's government."

Now, it was not known until the resolutions of May 31, 1775, had been brought to light, that there was any Mecklenburg manifesto about that time which could answer to the description of Governor Martin, except the resolves purporting to have been passed on the 20th of May. Hence it was held, not without much plausibility on the part of those who believed in the genuineness of the latter, that Governor Martin must have had a copy of *them* before him when he penned the above-cited paragraph. Mr. Jones so argued in his "*Revolutionary History of North Carolina*," published in the year 1834; and Dr. Hawks took up the same parable on this point in his first publication on the "*Mecklenburg Declaration*," in the "*New York Review*" of March, 1837.

It ought to have been seen that the paper of May 20, restricted as it is in its scope to Mecklenburg County, could not

have been intended by Governor Martin when he denounced a paper "declaring the entire dissolution of the laws, government, and constitution of *this country*"; but after the discovery of the later resolutions, no room was left for a doubt that it was to them the governor alluded in his proclamation. And thus what Mr. Jones had called "the best evidence of the truth" of the earlier Declaration was cut away under his feet. For the presumption that it was to them Governor Martin referred did not long remain a mere presumption; it was turned into a certainty by the discovery subsequently made, that just before the date of his proclamation he had transmitted a copy of the resolves of May 31 to Lord Dartmouth, the British Secretary of State for the Colonies, as being identical with the copy sent off by express to Philadelphia. Mr. Bancroft found the original of this letter in the British State Paper Office. It was written by Governor Martin from Fort Johnston, in North Carolina, under date of June 30, 1775, and contains the following important reference to this topic:—

"The resolves of the Committee of Mecklenburg, which your lordship will find in the inclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this continent have yet produced; and your lordship may depend its authors and abettors will not escape whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of government. A copy of THESE resolves, I am informed, was sent off by express to the Congress at Philadelphia as soon as they were passed in the committee."

With such contemporaneous evidence before us, we are prepared to assert positively that the paper borne by Captain Jack to the Continental Congress was the manifesto of May 31, and not the alleged Declaration of May 20, which was never printed till the year 1819. It is not often easy to prove a negative, but, in the present case, we are able to prove that it was *not* the "resolves of May 20" which were sent, by proving that it was a later set of resolves which was sent. And as it is agreed on all hands that if there was any declaration of independence made by the people of Mecklenburg in the year 1775, it must be sought in the paper that was sent to Philadelphia, it follows that there was no such declaration as has been imagined; for all admit that the paper of May 31

does not amount to a formal assertion of independence, brave and magnanimous as are its declarations of fact and principle.

It is easy to understand, but not easy to justify, the motives which have led the believers in the genuineness of the so-called resolves of May 20 to vilipend those of May 31. Thus Dr. Hawks, in an address delivered at Charlotte on the 20th of May, 1857, in celebration of the "anniversary of the Mecklenburg Declaration of Independence," has argued that as the document of May 31 "shows that the men who adopted it were not fools," a question presents itself which, as he thinks, it is not easy for those to answer who disbelieve in the existence of "the greater declaration." That question, as he formulates it, is this: —

"How could men, not fools, suppose it was of the slightest moment to the Continental Congress of all the Colonies in America to know how Mecklenburg County, in North Carolina, appointed her constables and justices of the peace, the extent of jurisdiction given to the latter, the mode of dealing with petty rogues and runaway debtors, and similar matters? What did the Continental Congress care for all these things?"

Forbearing criticism on the singular inaccuracy of Dr. Hawks in thus belittling the resolves of May 31 by taking no account of their continental features, we beg leave to say that the matter which he thinks so piddling was then (in 1775) the great question of the hour in America. The people of Massachusetts are not commonly supposed to have been "fools" at this juncture, and yet it is known that the Congress of this Colony sent a "special post" on the 11th of June, 1775, to confer with the Continental Congress on this very subject, — the necessity of concerting some form of civil government to take the place of that which had lapsed under the then existing rupture between the Colonies and the crown; and this "post" from Massachusetts must have been in Philadelphia about the same time with Captain Jack from Mecklenburg.* Cumberland County in New York asked for directions under this same head at the hands of its Colonial Congress on the 6th of June, 1775.† The proceedings of the Virginian House of

* See American Archives, Fourth Series, Vol. II. pp. 621, 955, and 960. Cf. p. 1842.

† Ibid., p. 918.

Burgesses on the 14th of June, 1775, were entirely occupied with this emergency of the political situation.* Everywhere in America this was the problem that most engaged the thoughts of men, perplexed as they were by the difficulties incident to that epoch of transition. The people of Mecklenburg were the first to cut this Gordian knot by their incisive declarations made and promulged on the 31st of May, 1775. It is strange that their descendants should be willing to tarnish this singular ornament on the armorial shield of their county to make room for a doubtful quartering. It was not till months after May, 1775, as we learn from the annals of that time, that the delegates in the Continental Congress were ready for the step initiated by Mecklenburg.† The great mass of the people of North Carolina were not ready for this step, insomuch that when the delegates from Mecklenburg in the next Provincial Congress were charged by some "instructions" drawn up by Dr. Ephraim Brevard to vote for the application of these principles to the whole Colony, they effected nothing in that direction.‡

Having thus shown that the intrinsic importance of the document, because of the relation it bore to the political situation of the American Colonies in the year 1775, conspires with the documentary proof and with Governor Martin's information, obtained at the time, to demonstrate that it was the resolves of May 31 which the Mecklenburg courier bore to Philadelphia, we may add, *ex abundantia*, that all these indications are corroborated by the fact that so much of these resolves as was of general interest — to wit, the preamble, the first four resolutions, and the sixteenth in the series — was reprinted at the North contemporaneously with Captain Jack's sojourn near the Continental Congress. It will be remembered by the reader that among the witnesses cited by the North Carolina Legislature in the year 1830, three men testify that "they frequently heard William S. Alexander, deceased, say that he was at Philadelphia on mercantile business in the early part of the summer of 1775, say June; and that on the day that General Washington left

* See American Archives, Fourth Series, Vol. II. pp. 1210–1215.

† Ibid., Vol. IV. pp. 1136–1140.

‡ See these remarkable "instructions" in Foote's Sketches, p. 70.

Philadelphia to take command of the Northern army, he, the said William S. Alexander, met with Captain James Jack, who informed him, the said William S. Alexander, that he, the said James Jack, was there as the agent or bearer of a declaration of independence, made in Charlotte on the 20th day of May, 1775, by the citizens of Mecklenburg."

It is historically known that General Washington set out from Philadelphia to take command of the army at the North on the 23d of June, 1775. Captain Jack, it appears, was in Philadelphia at that time as the bearer of a declaration made by the citizens of Mecklenburg, and less than a week afterwards we know that the essential portions of the declaration of May 31 were published in the Northern newspapers.

It is admitted that the resolutions of May 20 were not published at the time of their alleged adoption, nor until more than forty years afterwards. And yet we are asked to believe that while the resolves of May 31, though pitched on a much lower key of patriotic rhetoric, were widely disseminated at the time of their promulgation, spreading, as we know they did, from South Carolina to Massachusetts, none were found that "moved the wing, or opened the month, or peeped," to give publicity to the more magniloquent manifesto. No wonder that John Adams, on his "sober second thought," came to believe that the Alexander version of the Mecklenburg Declaration was an impossibility. To this effect he wrote as follows, under date of August 21, in the year 1819, and therefore not very long after the first publication of Alexander's story:—

"I was on social and friendly terms with Caswell, Hooper, and Hewes, every month of their existence in Congress; with Hooper, a Bostonian, and a son of Harvard, intimate and familiar. Yet from neither of the three did the slightest hint of these Mecklenburg resolutions ever escape. Is it possible that such resolutions should escape the vigilant attention and the scrutinizing, penetrating minds of Patrick Henry, R. H. Lee, Mr. Jefferson, Mr. Gadsden, Mr. Rutledge, Mr. Jay, Mr. Sherman, Mr. Samuel Adams? *Haud credo.* I cannot believe that they were known to one member of Congress on the 4th July, 1776." *

In so reasoning Mr. Adams did but draw an inference justi-

* The Works of John Adams, Vol. X. p. 383.

fied by a logical conversion of the legal maxim which declares that *de non apparentibus et non existentibus eadem est ratio*. This "Mecklenburg Declaration of Independence" did not "put in an appearance" at Philadelphia, and hence he held that this fact, under the circumstances, established a negative pregnant against its existence in the year 1776. And what is clear in the case of Mr. Adams is confirmed, not only by the silence of all contemporary witnesses, but by the express statements of some persons in North Carolina who were in a position where they must have heard of the Declaration if it had ever existed, but who testify in the years 1776 and 1777 that no such Declaration had come to their knowledge. For instance, it is incredible that so intelligent a citizen of North Carolina as James Iredell, afterwards appointed by President Washington one of the justices of the Supreme Court of the United States, should not have known of this manifesto, if it really appeared in the year 1775. Iredell was the early and intimate correspondent of William Hooper. He was the brother-in-law and constant correspondent of Samuel Johnston, that eminent North Carolina patriot who more than any other was the leader of his people in the years 1775 and 1776, and who, as the President of the North Carolina Provincial Congress during these years, was the associate of Colonel Thomas Polk, John McKnitt Alexander, and other alleged signers of the Mecklenburg Declaration. And yet we have the deliberate statement of Iredell, *made in the year 1777*, that "until very near the time" when "the arbitrary obstinacy" of the king left "no other alternative than indefinite submission or unreserved resistance," he "never heard a man speak on the subject of independence who did not speak of it with abhorrence and indignation."* This positive testimony makes it impossible to believe that a whole county of North Carolina had publicly declared independence in the year 1775.

And it cannot be said that these resolutions were not known at the time because "they were deemed too violent," or because "a secret was made of their existence," for the resolutions really sent to Philadelphia were not only communicated

* See McRee's *Life and Correspondence of James Iredell*, Vol. I. p. 344. Cf. pp. 321, 322, 323.

to the North Carolina members of Congress, but were allowed by Captain Jack to be publicly read while he was on his way northwards. He recites in his testimony that when passing through the town of Salisbury (the county-seat of Rowan, about forty miles from Charlotte), on his journey to Philadelphia, he found the General Court in session, and, "at the request of the Court, he handed a copy of the resolutions to Colonel Kennon, an attorney, and they were read aloud in open Court." He further recites that on the evening after the public reading of the resolutions, two gentlemen, whom he names, called on him at his lodgings, and informed him that they had heard of but one person who did not approve of them, — a fact, by the way, of much significance in this discussion. For it is on record that the Committee of Rowan County, *on the 1st day of June, 1775*, had addressed a special communication to the Committee of Mecklenburg County, asking for an interchange of political proceedings, and expressing the pious hope that, in answer to their united prayers, the people of the two counties might be allowed to have their chartered rights as British subjects, "with the present House of Hanover in legal succession" as the defenders of those rights.* If there had been a Declaration of Independence at Charlotte on the 20th of May, 1775, it is impossible that the fact should not have been known at Salisbury, forty miles distant, twelve days afterwards, and, in that event, the Rowan Committee would not have been so indiscreet as to plight the allegiance of their Mecklenburg compatriots to the House of Hanover.

Having thus traced the authentic history of the paper that was actually sent to Philadelphia, and having shown that the contemporaneous documentary evidence, that the historical surroundings, that the internal proofs, and that even the most salient facts contained in certificates procured to establish a contrary hypothesis all point to the declaration of May 31, 1775, as being the only one entitled to credence as a genuine document, we might here safely rest our argument and dismiss the further discussion of this long-mooted topic. But if enough has been said to lead irresistibly to the conclusion that the so-

* See Wheeler's History of North Carolina, p. 365.

called Declaration of May 20 is unhistorical and spurious, it still remains to show that the honor of the Mecklenburg patriots is pledged to the same demonstration. For it is impossible to believe in the verity of the alleged Declaration of May 20, without binding ourselves, in the light of their subsequent conduct, to convict its assumed authors and abettors of base defection from principle, and of moral perjury.

It has been urged, indeed, by Dr. Hawks and others, in their defence of the alleged Declaration of May 20, that the resolves of the following May 31 proceed on the assumption of the independence declared at the earlier date. To this effect, referring to the resolves of May 31, Dr. Hawks says:—

“The whole document, . . . as it shows upon its face, is the necessary *consequence* of a previous declaration of independence and dissolution of connection with the parent country, but will scarcely pass for a declaration of independence itself.”

This statement, we submit, exactly inverts the logical relations of the two papers, and flies in the face of evidence lying upon the surface of both. The preamble of the series passed on the 31st of May expressly states the assumption on which the resolutions of that date proceed, and this assumption is no antecedent declaration of the people of Mecklenburg, but a declaration of the British Parliament with regard to the political status of the American Colonies. If there had been a declaration of independence on the 20th of May, is it at all probable that its authors would have ignored the existence of the fact eleven days afterwards? But, sooth to say, the alleged resolves of May 20 are not simply *ignored*,—the hypothesis of their existence is absolutely *excluded* by the particular contents and general tenor of that later series which we know to be authentic.

The resolves of May 31, so far from contemplating anything like a formal or definitive separation from Great Britain, distinctly avow that they are meant to be purely provisional, temporary, and contingent in their “force and virtue.” They declare that the former civil constitution of the Colonies is wholly suspended “for the present,” and enact certain regulations for Mecklenburg until “the Provincial Congress shall provide otherwise, or until the legislative body of Great Britain

resign its unjust and arbitrary pretensions." If, then, the patriots of Mecklenburg *did* proclaim independence on the 20th of May, 1775, they took back their parlous words on the 31st of May, ten or eleven days afterwards. Were they heroes of the Bob Acres sort, that such an imputation should be fastened to their honorable names on no better evidence than that of a legend which is discredited equally by contemporaneous history and by their own acknowledged acts and principles?

But the argument on this point does not end here. The prime movers in the alleged Declaration of May 20 are said to have been Colonel Thomas Polk and John McKnitt Alexander. Among the putative signers of the paper, besides these conspicuous names, we find the names of Waightstill Avery and John Pfifer, whom we otherwise know to have been leading patriots of Mecklenburg at that time.

Now, it so happens that the four men whose names we have thus particularized were elected to represent the county of Mecklenburg in the Provincial Congress of North Carolina, which met at Hillsborough on the 20th of August, 1775, only a few months after, as tradition affirms, the people of that gallant county had solemnly and irrevocably declared themselves independent of the British crown. If there was a Declaration of Independence such as that represented by the paper of May 20, we may be sure that these men would not forswear it in the Legislature of their native Colony, and before the eyes of their countrymen.

How, then, let us ask, did these Mecklenburg representatives demean themselves in that Provincial Assembly? As independent citizens or as loyal subjects of King George III.? On these points let us refer to the law and to the testimony; that is, to the official minutes of this North Carolina Provincial Congress.

It appears, then, that on the 21st of August, 1775, Messrs. Thomas Polk, John McKnitt Alexander, John Pfifer, Waightstill Avery, Samuel Martin, and James Houston — all reputed signers of the alleged Declaration except the two last named — appeared and took their seats in that body as delegates from Mecklenburg. On the 23d of August a committee, previously appointed for that purpose, reported a *Test*, which they had

prepared to be signed by all the members of the Congress in affirmation of their loyalty to the crown, and in testimony to what they conceived to be their constitutional and hereditary rights as British subjects. The Test ran as follows : —

“We, the subscribers, *professing our allegiance to the king, and acknowledging the constitutional executive power of government*, do solemnly profess, testify, and declare that we do absolutely believe that neither the Parliament of Great Britain nor any member or constituent branch thereof have a right to impose taxes upon these Colonies to regulate the internal policy thereof; and that all attempts by fraud or force to establish and exercise such claims and powers are violations of the peace and security of the people, and ought to be resisted to the utmost,” etc.

“In testimony whereof we have hereto set our hands, this 23d of August, 1775.”

This “Test of Loyalty and of Patriotism” was signed by all the members of the Congress, and among them by Thomas Polk, John McKnitt Alexander, John Pfifer, and Waightstill Avery, the delegates from Mecklenburg, who, we are told, on the previous 20th of May had declared their independence of Great Britain. Fancying himself present at the adoption of that Declaration, Dr. Hawks exclaims: “The deed was done; these men had pledged all they had, — lives, fortunes, honor; and, true as steel, from that hour to this they never shrank from meeting that pledge.” What shall we say, then, of Colonel Thomas Polk, who, besides signing the Test of Loyalty, was a member of the committee which matured “a plan for the regulation of the internal peace, order, and safety of the Province,” requiring all officers appointed under it to subscribe the same Test? What shall we say of Waightstill Avery, who, at a later day, again subscribed this Test as a member of the North Carolina Provincial Council? What of John McKnitt Alexander, who, notwithstanding that he supposed himself the clerk of the meeting which passed the Declaration, and the custodian of its records, is known to have protested *his* loyalty to the British crown as late as April 4, 1776, when, with his two colleagues, Robert Irwin and John Pfifer (both reputed signers of the Declaration), he put his name once more to the above-recited Test as a delegate from

Mecklenburg in the North Carolina Provincial Congress which met at Halifax in that year.* To suppose that these men had made a "Declaration of Independence" on the 20th of May, 1775, and had pledged their "lives, fortunes, and most sacred honor" to maintain it, is to affix an ineffaceable stigma to their characters, in view of what we know to have been their subsequent acts and declarations.

Nor is this all. We have already seen how his Excellency Governor Martin regarded the resolves of May 31. In his proclamation of August 8, 1775, he had denounced them as "traitorous," yea, "most traitorous," because "declaring the entire dissolution of the laws, government, and constitution of this country." This Mecklenburg manifesto is, indeed, very far from being the only publication which his Excellency in that proclamation has denounced as "seditious." But in testimony of their deep indignation at all such calumnious charges, the members of the North Carolina Congress, including the delegates from Mecklenburg, *unanimously* passed the following preamble and resolution on the 25th of August, 1775: —

"A paper purporting to be a proclamation issued by his Excellency, Josiah Martin, dated on board his Majesty's ship Cruiser, at Cape Fear River, the 8th of August instant, directed to the Moderator of the Provincial Convention at Hillsborough, being read :

"Resolved unanimously, That the said paper is a false, scandalous, scurrilous, malicious, and seditious libel, tending to disunite the good people of this province, and to stir up tumults and insurrections dangerous to the peace of his Majesty's government, and highly injurious to the character of several gentlemen of acknowledged virtue and loyalty ; and further, that the said paper be burned by the common hangman."

So sedulous were the members of this Congress, including the delegates from Mecklenburg, to keep themselves in the odor of loyalty ! Nor did they rest satisfied with these protestations.

As if apprehensive that some one or another of the associated Colonies then represented in the Continental Congress might wish to proceed further and faster in the widening revolt than was compatible with their own notions of duty and safety,

* See Force's American Archives, Fourth Series, Vol. V. p. 1315.

these delegates, including those from Mecklenburg, determined to take precautions against being committed to any rash measures in that direction. A plan of confederation among the insurgent Colonies had been broached by Dr. Franklin in the Continental Congress on the 21st of July, 1775, for the purpose of consolidating the desultory opposition they were then waging against British aggression, and this plan was submitted to the North Carolina Congress.* But North Carolina was not ripe for such a decisive step, and accordingly the committee appointed to consider this subject reported on the 4th of September, 1775, that they "had taken into consideration the plan of general confederation between the United Colonies, and are of opinion that the same is not at present eligible. And it is also the opinion of the committee that the delegates for this Province ought to be instructed not to consent to any plan of confederation which may be offered in an ensuing Congress, until the same shall be laid before and approved by the Provincial Congress. *That the present association ought to be further relied on for bringing about a reconciliation with the parent state, and a further confederacy ought only to be adopted in case of the last necessity.*"

The Articles of Association, adopted by the Continental Congress October 20, 1774, commence with the declaration that their adherents are "his Majesty's most loyal subjects," and expressly avow allegiance to the Crown.† Moreover, as a loose and voluntary pact of commercial non-intercourse, they had failed to meet the growing demands of the time. Here, surely, was an opportunity for the delegates from Mecklenburg, if they had declared independence on the 20th of May, 1775, to make some show of a stand in defence of their vantage-ground. But how entirely they shared the prudential views of their associates in that Congress will sufficiently appear from the fact that, in common with all the other delegates, they united in the *unanimous* adoption of an ultra-loyal address to the inhabitants of Great Britain, containing the most vehement asseverations, not only of their

* See Force's American Archives, Fourth Series, Vol. II. p. 1887; and Vol. III. pp. 189 and 196.

† Force's America Archives, Fourth Series, Vol. I. p. 913.

“loyalty,” but of their “devotion” to the British crown. A few extracts will suffice to show the temper of this document:—

“Traitors, rebels, and every harsh appellation that malice can dictate or the virulence of language express, are the returns which we receive to the most humble petitions and earnest supplications. *We have been told that independence is our object; that we seek to shake off all connection with the parent state. Cruel suggestion! Do not all our professions, all our actions, uniformly contradict this?*

“*We again declare, and we invoke that Almighty Being who searches the recesses of the human heart and knows our most secret intentions, that it is our most earnest wish and prayer to be restored with the other Colonies to that state in which we and they were placed before the year 1763, disposed to glance over any regulations which Britain had made previous to this, and which seem to be injurious and oppressive to these Colonies, hoping that at some future day she will benignly interpose and remove from us every cause of complaint.*”

The alleged signers of the Mecklenburg Declaration of Independence who were present in that body, Messrs. Polk, Alexander, Pfifer, and Avery, united in this solemn purgation of their consciences from all taint of disloyalty to the British crown. As it is impossible to believe that such men could have consented to enact a wicked farce before high Heaven, we should be willing on this ground alone to discard the fiction which plaits a crown of thorns for their brows, and puts them in a pillory for all time.

We have seen that Mecklenburg County by her resolves of May 31 had departed from the forms of the British colonial government, and had set up a temporary *régime* of her own. Other counties and the entire Colony had in some respects imitated her example. But mark in the following passages of the same loyal Address how careful the members of this Congress were to guard these acts against misconstruction:—

“Whenever we have departed from the forms of the Constitution, our own safety and self-preservation have dictated the expedient; and if in any instance we have assumed powers which the laws invest in the sovereign and his representatives, it has been only in defence of our persons, properties, and those rights which God and the Constitution have made inalienably ours. As soon as the cause of our fears

and apprehensions is removed, *with joy will we return these powers to their regular channels; and such institutions, formed from mere necessity, shall end with that necessity which created them.*

"These expressions flow from an affection bordering upon devotion to the succession of the House of Hanover as by law established, from subjects who view it as a monument that does honor to human nature; a monument capable of teaching kings how glorious it is to reign over a free people. These are the heartfelt effusions of men ever ready to spend their blood and treasure, when constitutionally called upon, in support of that succession of his Majesty King George the Third, his crown, and dignity, and who fervently wish to transmit his reign to future ages as the era of common happiness to his people."

This language certainly does not sound much like "the Mecklenburg Declaration of Independence." And yet Colonel Thomas Polk, the alleged "herald" of that "Declaration," joined in this address to the British people; John McKnitt Alexander, the certifier of the "Declaration," united in these protestations of unswerving loyalty; Waightstill Avery and John Pfifer, alleged signers of the "Declaration," shared in these loyal prostrations before the British throne.* If they were honest men, that Declaration must be set down as the invention of a later age. There is not room even for interposing the deprecatory plea that these Mecklenburg delegates may possibly have been absent when this loyal Address was *unanimously* approved, for a record of absentees was kept by the secretary of the Congress, and their names do not appear in that record. In very mercy to them, as well as in justice to authentic history, we must assume that there neither *was* nor *could have been* any such a Declaration. If contemporaneous testimony makes its existence historically incredible, the subsequent acts and declarations of its reputed authors and supporters make its existence morally impossible.

We conclude, therefore, without hesitation, that the only supposition in the premises consistent with all historical prob-

* It is not insinuated that there is anything derogatory to North Carolina patriotism in these loyal professions. We are simply measuring the influence of the alleged Mecklenburg Declaration, to see if we can discern any signs of its existence at that date. "During the course of my life and until the second petition of Congress in 1775," wrote John Jay, "I never did hear any American of any class or any description express a wish for the independence of the Colonies."

ability, with all the known facts, with all contemporaneous documents, with the form and pressure of the times, with the local surroundings of the question, with all subsequent testimony as duly weighed, and with the honorable character of the men involved in these transactions, is the supposition that the so-called Mecklenburg Declaration of Independence is a spurious document ; not necessarily a document conceived in fraud, but rather, as we are bound to believe, a paper compiled by John McKnitt Alexander in an honest effort to reproduce, according to the best of his recollection, the facts and declarations contained in the genuine manifesto of May 31, after that manifesto had been forgotten, as we know it soon was. The precise terms of that manifesto in passing out of his sight had passed out of his mind, and hence it was easy for its acts and declarations to undergo a rhetorical transfiguration which, when reduced to the forms of speech, ran naturally into a travesty of the familiar phrases popularized in the common mind by the National Declaration of Independence.

It is no part, however, of *our* duty to explain the origin and genesis of the popular myth which came to be superimposed on the actual facts of history by a later tradition. It is with the actual facts that we are most concerned in this inquiry. We are, indeed, willing to believe that there *may* have been a meeting of Mecklenburg patriots at Charlotte on the 19th and 20th of May, 1775 (since it is in evidence that many meetings were held about that time) ; it may be that the news of the battle of Lexington was brought to this meeting by express ; and that on this day a Committee of Public Safety was organized under the impulse of that exciting intelligence. But a Declaration of Independence at that time is shown to be neither credible nor possible.

And this fact would have been recognized at once on the first publication of the paper in the year 1819, if it had then been known that the precisely similar paper which John McKnitt Alexander placed in the hands of General Davie *was expressly certified by its author to have been compiled from his recollections without the aid of any written records whatsoever.* This fact is not openly stated in the certificate published by his son under the signature of "J. McKnitt" in the year 1819.

Whether the certificate in the two cases was different, or whether J. McKnitt, that is, Dr. Joseph McKnitt Alexander, omitted to reproduce this important admission, we are unable to say.* The certificate attached to the "Davie copy" was published (we believe for the first time) in the North Carolina University Magazine of May, 1853, as part of an article on the Mecklenburg Declaration from the pen of the Rev. Dr. Charles Phillips, an eminent scholar of North Carolina, and at that time a Professor in the University at Chapel Hill.† This certificate as cited by him runs as follows : —

"It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, *may not literally correspond with the original record of the transactions of said delegation and court of inquiry, as all those records and papers were burnt with the house on April 6, 1800* ; but previous to that time of 1800 a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Colonel William Polk, in order that those early transactions might fill their proper place in a history of this State, then writing by said Dr. Williamson, in New York.

"Certified to the best of my recollection and belief, this 3d day of September, 1800."

"J. McK. ALEXANDER."

It is greatly to be regretted that this certificate was not published at the same time that the so-called Mecklenburg Declaration was first communicated to the American public, in the

* It is now known by all interested in this historical inquiry (what was not known at first) that the name of "J. McKnitt," under cover of which the Mecklenburg Declaration appeared in the year 1819, was really nothing more than the Christian name of Dr. Joseph McKnitt Alexander, the son of John McKnitt Alexander; and in the later stages of the discussion much surprise has naturally been expressed that this gentleman, in giving publicity to a paper received from his father, should have disowned his father's name, and appeared in a masquerade. We learn, however, that the name of "Alexander" was once so common in Mecklenburg as hardly to afford the means of discriminating the individuals who bore it, and that for this reason Dr. Joseph McKnitt Alexander sometimes dropped his patronymic. He unfortunately did so in this instance, and hence the injurious suspicions that have arisen at a later day.

† The "Davie copy" is now lost or mislaid. Deposited for a time in the State Department at Raleigh, it was removed by Governor Swain for the purpose of critically inspecting it, and this critical inspection brought to light the certificate which Professor Phillips published in the North Carolina University Magazine while Governor Swain was the president of the University.

year 1819. In the presence of such a candid statement with regard to the untrustworthiness of the document, it would have been difficult to enlist the passions of men in the struggle which has been so long and so violently waged over this paper. The apochryphal recollections of an old man, who is careful to premise that they may not literally correspond with the original record, would have been received by all for what they were worth, without flinging at his head charges of forgery on the one hand, and without making them the gospel of North Carolina patriotism on the other.

It will be seen that in relegating the Mecklenburg Declaration to the domain of fable we are doing no despite to the memory of John McKnitt Alexander, and least of all are we detracting from the fame of his compatriots. It is only those who are pledged to the contrary theory who can find any difficulty in confessing their veneration for these "gray forefathers of the State." We have simply wiped the lichen and the moss from their gravestones, that we might the better place on their tombs a garland of *immortelles*.

Indeed, there is a sense in which we may be said to magnify their transcendent repute for exalted patriotism by establishing the fact that, in the pious memory of their descendants, they have been so easily converted from flesh-and-blood men into the demigods of North Carolina story. It is only men of real worth who can lend their names to cover the exaggerations of the hero-worshipping fancy, for such men alone can send forth from their personality an influence strong enough to plant in the minds of others, and especially of those who cherish their memories, what Grote, the historian, has aptly called "*an æstrus* for creating and an appetite for believing the legends of the past." It is thus that the symmetrical and majestic proportions of Washington's real character readily expand into the colossal figure which is conjured up by American pride at the mere mention of his name. It is a proof as well of Lincoln's genuine greatness as of the pitying tenderness with which his tragical and untimely end was commiserated, that he has been already canonized in our national pantheon. The popular fictions which consecrate and embellish the memories of departed heroes are rarely the inventions of a voluntary

deception. Such fictions spring up spontaneously in the breasts of men as the natural reflex of a glory that was real in their illustrious ancestors. It is enough to explain the origin of these traditions, if at the bottom of them a set of men are found peculiar enough to account for the shadows projected by the fame of their ideal exploits.* As Wordsworth sings,

"Ne'er could the boldest eulogist have dared
Such deeds to paint, such characters to frame,
But for coeval sympathy prepared
To greet with instant faith their loftiest claim."

The patriots of Mecklenburg in 1775 would seem to have been men of this stamp and mould. Almost more than any others among their contemporaries they are shown to have had "understanding of their times." If their fame be rested on the resolves of May 31, it is safe to say that they were foremost in the clear and logical conception which they had formed of the civil status created for the American Colonies by the address of both Houses of Parliament to the crown, adopted February 7, 1775, declaring the Colony of Massachusetts in a state of "actual rebellion," and constructively passing the same sentence of outlawry on all the other Colonies which were giving her aid and comfort. This is glory enough for the Mecklenburg fathers, and it is a glory which cannot be plucked from their brows, even by those who would fain put a false *nimbus* around their heads. It is an inverted and illusory image which, in the shape of the long-cherished legend, looms to the eyes of their posterity, but, like other shadows, it proves the substance true.

We are well aware that in bringing this pictorial "tale of a grandfather" to the "dry light" of prosaic truth we have discharged an ungrateful office. Men are slow to give up "the mock pearls of history." We still love to quote with a kindling enthusiasm the grand sayings which Plutarch puts in the mouths of the ancient heroes. We confess small thanks to

* What intractable materials the mythopoiesis can work into its legends we may see in a tradition preserved in the Brevard family, that their ancestor, Dr. Ephraim Brevard, was inspired to write the Mecklenburg Declaration by the Westminster Confession of Faith! The Mahabarata would have done as well if he had been supposed equally familiar with it.

Niebuhr because he has dispelled for us the splendid coruscations with which "the mythopœic fancy" has gilded the auroral dawn of the Roman Empire. With the Switzer we are loath to admit that the tale of William Tell with his bow and arrow is hardly more authentic than the story of Cock Robin, evaporated as it has been into a "solar myth" glancing from the legends of Denmark in the pages of Saxo Grammaticus, and from we know not how many chronicles besides in other lands. And if history could be properly written as poetry is written, — to express the ideally true rather than the really true, — there might be as much to admire in such superstitions of the *head* as in those "superstitions of the *heart*," without which, as the poet tells us, our human life would be poor indeed. But when, as we have shown in the case of the Mecklenburg patriots, it is the sober facts which best illustrate the true nobility of their characters, we do but perform a duty equally to them and to the Muse of History by seeking to rescue their memories from the distortions of romance.

JAMES C. WELLING.

ART. III. — THE NEW TRIALS OF THE ROMAN CHURCH.

THE year 1870, or rather the twelvemonth between its spring and the following spring, was remarkable for three important events, — the convocation of an Œcumenic Council at the Vatican, the downfall of the temporal power of the Pope, and the formation of the new German Empire. There is a full historical ring in these words. We cannot hear them without being reminded of certain facts in history with which we became familiar long before becoming familiar with the realities of actual life, and which then looked stately and imposing at a distance. How could we have hoped ever to hear the thunders of the Vatican with our own ears, or to behold a German Emperor with our own eyes? We have, indeed, a Hohenzollern now instead of a Hohenstauffen, and Papal infallibility instead of Papal supremacy; but, at any rate, we have now, as then, a militant Pope and a militant Emperor, and a contested ground between them.

In the comparison of the two epochs, three relations will, consequently, have to be considered, — the relation between the Pope and the Emperor, or between Church and State: the relations between the Pope and the clergy as the Pope's delegates; and the relations between the state and the clergy as citizens of the state.

These last were regulated by the Constitution of the Empire, as those between the Pope and the clergy were regulated by the canonical law. But both the Imperial Constitution and the canonical law, being things of slow growth, were full of oddities and inconsistencies. The monk Gratian, the learned compiler of the canonical laws, was honest enough to call his collection *Concordantia discordantium Canonum*, and the interpretation and application of these canons very naturally gave rise to interminable quarrels. With regard to the general relations between the Church and the State, no law, no compact, no third authority, existed. They had the character of international relations, slightly modified, of course, by the difference of the weapons which the two powers had at their disposal; and as long as no concordat had been concluded, tradition or the *jus consuetudinis* formed the only basis for a *modus vivendi*.

But what were the traditions concerning the relation between Church and State? The farther back we go in history, the more complete we find the union of the spiritual and temporal authorities. Theocracy is one of the earliest forms of civilization. Jehovah was a national god, and even where there was no personal union of the two powers, where king and high-priest were two co-ordinate or naturally subordinate dignitaries, the gods worshipped by both were strictly national gods. And the gods being national, the community formed by their worshippers was something co-extensive with the state, being neither a sect contained in the state, nor a church embracing many states. The words "priest" and "citizen" then appear as two names for one person, the man who is both, being, for all that, member of one community only. One might say that this community, being both Church and State (although we find no analogon in pre-Christian times for what we call Church), must have exacted a double kind of allegiance from its members. But the claimant being but one person, there could be no con-

flict, or whatever conflict arose had the character of a personal quarrel between subalterns.

Neither the Jew nor the *civis Romanus* could rise to the conception of a catholic unnational God, until Christianity came to widen their horizon. It is one of the most essential features of Christianity to be cosmopolitan. Not only does it ignore all that is physical and accidental in man, such as his nationality, but it refuses, and must refuse, to be encompassed by anything that is in man's giving, even though it were called citizenship. Christianity having denationalized religion, we cannot understand why it should be expected to serve the purposes of a state religion. The State, as a human structure invented and erected by intelligent men, is a work of art, and as such it stands higher than the physical fact of nationality. But, like all human works, it is perishable, and, while it lasts, is nothing if not changeable, requiring incessant law-making. It can, consequently, not be made the receptacle of the Church, which is, or pretends to be, unchangeable, which is, or pretends to be, imperishable, and which is, or pretends to be, the community of all men. The idea of a state church can exist only in the minds of those who either have forgotten what a state is, and what a church pretends and ought to be, or who deny the necessity, and perhaps the possibility, of a genuine church altogether. To such the state must appear as the very highest ethical phenomenon on earth, and not merely as (what it appears to us) the penultimate form of ethical perfection. Just now their doctrine is triumphant, but history is strangely persistent in the reproduction of facts which militate against it.

What in the dawn of history appears as an instinct impelling to migration and trade is, specifically, the same force which, in these days of conscious civilization, has given rise to socialism and internationalism; in other words, to aspirations which refuse to acknowledge whatever tends to divide mankind, such as state frontiers, nationalities, individual rights. And have we not in the long history and irrepressible vitality of Freemasonry another proof of the strength of the cosmopolitan bias in human nature? Science, too, might seem to be one of those neutral grounds without turnpikes and custom-houses, inaccessible (one would expect) to the ugly noises of battle or of

political strife. Yet science cannot fill the human heart or minister to all its wants ; and since the wholesale expulsion of German members from the French Academy in 1871, the vaunted neutrality of that ground has become altogether doubtful ; and should we stand in need of some really sacrosanct refuge, where neither hatred nor jealousy can penetrate, we must not go to places called academies, however cool and peaceful they may look, but must follow the ambulance with the Geneva cross, under whose shelter friend and foe may meet without fear, in the open battle-field of life, to receive whatever tender cares they may require. That ubiquitous refuge, that all-invading but never-to-be-invaded ground of neutrality we call Church. And granted the necessity or the mere possibility of a church, we maintain that it lies in the very nature of such a church to be above the state, and that it cannot be made congruent to the state without ceasing to be what it purports to be.

That being our theory, let us consider what happened in history.

Christianity, the anti-national religion *par excellence*, was proclaimed state religion by the Emperor Constantine, and — officially speaking — has remained the state religion of the Empire to the last day of its existence, in 1806. Thus, it would seem, a false position had been created for it at the very outset. But this is a mere appearance, because the Roman state, though only a state, comprised the whole civilized world. In a certain sense, that is to say, making allowance for false pretensions and self-deception, that state *was* the world, and, comprising many nationalities, it could not be a national state. It was as much a catholic state as the Church ever was a catholic church. The Roman state and the Christian religion had, therefore, two essential things in common : both were, or aspired to be, catholic, and both weré unnational ; that is to say, they could and did survive while nations and nationalities died away, the dominant Latin nationality not excluded. The Emperor and the Primate of the Church could live in the same world without wishing to get rid of each other, as carpenter and mason, as lawyer and physician, may live side by side without raising the question of equality or supremacy. If a man may be a client and a patient at the same time, why should he not be a citizen

and a Christian at the same time? The Bishop had no wish to be Emperor, because he remembered that Christ's kingdom was not to be of this world; and the Emperor had no wish to be Bishop, because his authority emanated from sources which, according to his own creed, were unfit to furnish a substitute for ordination. We can see nothing abnormal in this dualism, and admit that, in a universal empire, the Church might afford to be the State Church, without derogating from its catholicity.

But, obviously, this compatibility could last only as long as the two powers remained coextensive. As soon as the Empire began to decay and to shrink and to split, covering no longer the same ground which the Church pretended or aspired to cover, the Church could no longer tie its fortunes to those of the state, and had to seek a new basis outside the state. Thus arose the temporal power of the Church, and instead of a State Church, we have, in the beginning of the ninth century, a Church State. This Church State would, in its turn, have been liable to the usual vicissitudes of political existence, if it had been an independent state deriving its autonomy from its own secular strength. But such, we know, was not the case. The strip of Adriatic coast which formed its first nucleus was a gift of Pepin, and he who, two centuries later, made the Pope independent of the barons, was a German Emperor. The Papal state, therefore, was nothing but a fief in the Pope's tenure, but in the Emperor's giving, the Pope being *de jure* the Emperor's vassal. We are apt to forget that long before the popes became king-makers the Emperors had been Pope-makers. Otho I., the real founder of the temporal Papacy, installed and deposed popes, his position towards the Church having been clearly defined by the new title of his Empire, which he called the Holy Roman Empire of Germanic nationality. Monstrous though this title sounds, it was full of meaning, and no misnomer. It meant that Otho's Empire was the heir and successor to the Roman Empire; that it was an empire which happened to be confined to Germany, but which had been universal and might become so again; and that this ideal universality was to be hallowed by the catholicity of its faith.

The Church State, like the states which had belonged to Lothair's widow, being of Italian and not of Germanic nation-

ality, could not rank among the constituent (and electoral) states of the Empire, their connection with the Empire lying merely in the person of the Emperor. They stood in the same position towards the Empire as subsequently Jutland, Prussia, Livonia, Silesia, Hungary, Savoy, Burgundy, and Bâle, which, lying far from the seat of government, had to be intrusted to the care of vassals, who, under various titles, became sovereigns. If some were dukes or margraves, others were bishops. And as far as the feudal compact was concerned, the position of the Sovereign Bishop Primate, called Pope, differed in nothing from that of any other prince bishop of the Holy Empire.

It follows from this that, juridically, the Pope, as a non-German bishop, could not act as elector of the Empire, while the Emperor, who, in theory and in original practice, was the feudal lord of the Church State, might, in that capacity, claim the right of installing and deposing popes; but that, at the same time, in consideration of the exceptional character of his Papal vassal as the elect of a professedly inspired conclave, and in consideration of his own exceptional character as the spiritual son of his vassal, the Emperor would have to reduce this privilege to the simple right of veto.

In the days of Constantine and his successors, Church and State were on terms of absolute equality or of absolute indifference, their heterogeneousness not having been effaced yet. Color and fragrance can exist together on such terms, while two colors cannot without interfering with each other. Under Otho, however, and his successors, the Church had lost its purely spiritual character. It had (as a temporal power) something in common with the Empire state; and the state having something in common with its Church, the two new powers began to act and to react against each other. Instead of the old co-ordination, we find a condition which we must qualify as one of *mutual subordination*, the reciprocity consisting partly in a division, partly in an alternation of power. To judge by their weapons, the State was less aggressive than the Church. It had the right of the *inspectio sæcularis*, the *jus reformandi*, and the *jus circa sacra*, while the Church wielded weapons like the curse, the excommunication, and the inter-

dict. The result was an unstable equilibrium and a perpetual oscillation of power.

Henry II., being of a devotional character, allows the Imperial title to become subject to the Pope's approval. Conrad II. and Henry III., being strong-willed men, make the election of the Pope subject to Imperial sanction. And when Henry III. overshoots his mark and betrays his desire to make the Imperial dignity hereditary in his family, and, therefore, forever independent of Papal influence, a prompt and vigorous reaction takes place in the inspirations of the conclave, resulting in the election of Gregory VII., who was more than a match for any German emperor.

This great Pope gave to the Church an altogether new organization, well calculated to increase its means of defence and of attack. Once more the state of things was reversed, the Pope becoming independent of the Emperor, and the Imperial title dependent on the Pope's approval. The growth of the Pope's power was now so rapid that his first interdict had the effect of bringing Henry IV. in a penitent's garb to Canossa, while his second interdict caused the German princes to withdraw their allegiance from Henry and to elect a counter-emperor. The Hohenstauffens tried to recover the ground lost by their predecessors, and were not unsuccessful. But long before their star had set, Innocent III. secured to the Church all the prerogatives it had ever possessed. And its ever-growing claims which, during the subsequent interregnum, there was nobody to dispute, found at last their fullest and most arrogant assertion under Boniface VIII., when the Empire had lost so much of its Imperial character that it could no longer be considered as the only and the natural counterpoise to the spiritual Empire of Rome. The bull *Clericis laicos* of 1296, and the bull *Unam sanctam* of 1302, proclaim the most absolute supremacy of the Church, and the most absolute subjection of the State, not only of the Imperial state of Germany, but of all that wields secular power on earth.

But Boniface did what Henry III. had done,—he overshot the mark. He excommunicated and deposed King Philip of France, and King Philip impeached and deposed the Pope, who soon died of anger and grief. This led the Papacy to Avignon,

where, as a French institution, it decayed, so that John XXII., when trying the old Papal weapons against the German Empire, found them to be rusty and blunt. His interdict fell flat on the laity and the clergy. The bishops, who enjoyed an excellent position in the Empire, being practically sovereigns and independent of the state, began to feel the superfluity of Papal protection; and Maximilian I., considering the Pope himself as a superfluity, conceived the original idea of uniting the Imperial and the Papal dignities in his own person. Only his death prevented the experiment.

Probably a great part of the responsibility for this long-continued quarrel belongs to the sovereign bishops of Germany. Had the right of veto been the only apple of discord between Pope and Emperor, the dispute might have been settled sooner. But a far greater difficulty lay in the double relation in which the episcopate stood to the state and to the Church. These relations were essentially feudal, like the Papacy itself, the whole Church having, in its close contact with the state, become contaminated with secular interests and feudal ethics. And the feudal compact, though originally a fair bargain, had led to a state of things in which everything looked crooked, twisted, and confused. It was no question of dogma which divided Pope and Emperor: until the fifteenth century, when people began to think for themselves, such questions were quietly settled by the council. But it was a question of power. And the world was never allowed to forget or to shelve it, since it arose not only on the rare occurrence of a Pope's or an Emperor's death, but with every new appointment or collation of benefice in the complex hierarchy of the Church. Who was to nominate, elect, appoint, or invest a bishop? According to the tradition of the Church, the Pope would have to do it all; and the Emperors could hardly have objected to this, had the bishops remained simple apostolic vicars. But they had not. Bishoprics had become feudal benefices rather than ecclesiastical offices; at any rate, they were both. And the office being by right and by reason in the Pope's giving, and the benefice being by right and by compact in the Emperor's giving, it was obvious, one would think, that the episcopal dignity required a double investiture, — a secular

investiture with the sceptre and the benefice, and an ecclesiastical investiture with "the crozier and the ring." Yet we know that for centuries this question continued to agitate the world, and, in fact, the apparent facility of its solution vanishes on closer inspection.

The bishops were servants in the Church and sovereigns in the State. As long as the Emperor himself had to be crowned (i. e. invested with the sceptre and the crown) by the Pope, the latter might well have claimed the right of conferring the regalia on the bishops. On the other hand, the bishoprics were territories of the Imperial state, and as long as the Church State was considered as an Imperial fief, and as long as, in express recognition of this legal *status*, the presumptive successor to the Imperial throne had the official title of King of Rome, the Emperor might, with equal fairness, have claimed the whole right of investiture for himself. Nobody succeeded better in proving the hopelessness of this quarrel than Pope Paschal II., who proposed to cut the Gordian knot by renouncing the episcopal regalia and benefices altogether, so that neither Pope nor Emperor could confer them. The bishoprics, he thought, might subsist on the tithes and on voluntary contributions. It was a grand offer. For if the bishops ceased to be princes of the Empire, if abbots and abbesses ceased to be members of the Reichstag, the whole quarrel about the investiture was at an end. The Emperor, of course, would have been glad to accept the offer. But when, for once, Pope and Emperor were likely to agree, the bishops showed no disposition to renounce any part of their rights or benefices in favor of the Emperor. In 1123, at last, a concordat was concluded between Calixt II. and Henry V., which gave the two contending powers some legal ground to stand on. But that it opened no era of peace we know from history.

It was only the Reformation that could put a stop to the long quarrel between Pope and Emperor. And it did so, not by conciliating, but by widening the breach. The spirit of feudalism had proved poison to the Church; the spirit of the Reformation acted as a solvent on the Empire. Technically, the relations between Church and State remained unaltered. The Catholic Church was still the state church of the Empire,

or (since the term "state church" belongs to later times) the Empire and the Church continued avowedly on a "collegial" footing. But they ceased, insensibly, to cover the same ground. The terms "Imperial" and "Catholic," having lost their meaning, began to lose their original congruence, and the collegial system was gradually replaced by the "territorial system." Its principle, *cujus est regio, ejus est religio*, was the most absolute negation of the idea of Catholicity, and, as such, it soon became an essential principle of Protestantism, though it was apparently foreign to Luther's doctrine. Its fruit is the modern state church.

The Empire, then, had ceased to be a catholic state. It was a complex of states in which "religion" and "catholicism" were no longer synonymous, each state having a religion of its own. And when, at last, Protestant states were formally recognized as such in the Treaty of Westphalia, when the Reichstag itself was officially divided into the *Corpus catholicorum* and the *Corpus evangelicorum*, the Pope must have been aware that the Empire had drifted away from the Church, and that, having ceased to be "Holy" and "Roman," it would, sooner or later, cease to be an Empire. He still tried to reclaim it, by sending forth an army of Jesuits who were to stamp out the new heresy wherever they found it. But these efforts failed to arrest the progress of Protestantism. Church and State now stood outside each other, each decaying in its widowhood. They became strangers, no longer protesting against each other's claims, but simply ignoring them. The Treaty of Westphalia was never recognized by any Pope, nor were Papal bulls heeded by the German princes, one of whom crowned himself as King of Prussia, the anathema notwithstanding.

It is characteristic of this period of estrangement that the hostile efforts of the Curia were no longer openly directed against the Empire, but rather against the bishops, who, after all, were hybrid dignitaries, standing with one foot in the Empire, with the other in the Church. Nuncios were sent out, not only to watch over them, but to supplant them in their episcopal jurisdiction whenever they deemed fit to do so; and that no bishop might, for any length of time, lose sight of his

dependence, the episcopal powers were declared revocable every five years. (*Facultates quinquennales.*) Towards the end of last century, in 1785, the Metropolitans of Mayence, Treves, Cologne, and Salzburg, encouraged by the liberal disposition of the Emperor Joseph II., met at Ems to draw up a manifesto known under the name of the *Emser Punctation*, in which they protested against the interference of the Papal nuncios, insisting at the same time on the abolition of the episcopal oath of vassalage to the Pope, on the exclusion of all foreigners from German prebends, and on the convocation of a national council in Germany, admitting the Pope's competency only *in causis majoribus*. The step was too radical to be successful. Moreover, what the archbishops had said against the Pope, the suffragan bishops now said against the archbishops, remembering that they were the only lawful heirs of apostolic authority, that archbishops were but spurious intruders, and that it was better to obey a cosmopolitan Pope than a German Metropolitan. The Emperor at once withdrew his protection from the four petitioners of Ems, and matters remained as they were. But, notwithstanding this failure, the manifesto of Ems is interesting for two reasons: first, because it bears a strong resemblance to the tenets of the modern schism called Old Catholicism; and, secondly, because its short history throws a vivid light on the two figures of the Pope and of the Emperor, who no longer meet in open combat, but either "pull the wires" behind the scene or stand apart altogether.

Our object in tracing these outlines of history was to show that the Christian Empire, considered as a complex of Church and State, has existed under three essentially different forms. In the Eastern Empire, Church and State lived side by side without being conscious of each other's potentialities, the one being purely spiritual, the other purely temporal. *They agreed.* In the mediæval Empire they had mixed and pervaded each other, and, becoming conscious of each other's strength and weakness, they struggled for supremacy. *They disagreed.* After the Reformation, at last, they became estranged, that is to say, conscious of their heterogeneity and of the hopelessness of their struggle. *They agreed to disagree.* Logically, we

might look forward to a fourth period pregnant with something better than mere parallelism or strife or estrangement. Let us see whether its advent is likely to be hastened by the new champions who have, quite unexpectedly, appeared in the long-deserted arena.

The old Empire died in 1806. Germany became a headless confederation, and in 1871 a new German Empire was proclaimed under circumstances highly unfavorable to historic continuity. Whatever the new Empire might have become in 1864 under Austrian hegemony, the Empire proclaimed by a Prussian king on the field of battle in 1871 is something totally unlike any previous phenomenon in German history. It differs from the old Empire in its name, its constitution, and its aspirations. The Imperial dignity is hereditary, not elective; and it is hereditary in the family of a Protestant prince whose country has a mixed population, but a Protestant state church. The new Empire is neither a union of states nor a single state, though it partakes of the character of both. Each separate state having a state church, the Imperial state can have none. William I. who, as King of Prussia, is the *centrum unitatis* of Prussian Protestantism, is as Emperor of Germany the centre of none but political unity. The Pope need not see in him a Prussian Protestant, and must not see in him his Catholic "colleague." The new Empire pretends to be neither Holy nor Roman, nor does it pretend to be the Universal state, the term "empire" having lost its old official meaning of *Imperium*. If in France it has recently been used to express a peculiar mixture of democracy and Cæsarism, in modern Germany it simply means Prussian hegemony. This hegemony is an historical accident. It might have been Austrian, and Herr von Beust would have liked it to be Saxon. The Emperor of new Germany, therefore, though Prussian, is a neutral between Catholics and Protestants, and stands in no conceivable or definable relation whatever to the Pope. And as this state of things has no parallel in German or in Roman history; as the new German Empire has nothing to do, not even in name, with any one of the three forms, described above, under which the old Empire appears in history, — we may say that the new title was no title of nobility involving "obligations," and that there

was, to say the least, no *prima facie* necessity for its recipient to consider himself bound to resume at once the traditions of a quarrel belonging to a defunct namesake rather than to an ancestor. To talk once more of "Pope and Kaiser" is to play with old coins which have preserved their metallic ring, but have lost their nominal value.

Even the Papacy has undergone important changes, having been stripped of its temporal power, and having proclaimed its own spiritual infallibility. These changes, however, are less essential than they appear at first sight, and the infallible and landless Papacy of to-day has far more in common with the old Papacy than the Secular Prussian Empire of 1871 has in common with the Holy Roman Empire of the Middle Ages. The downfall of the temporal power may appear to us final, but it is not looked upon in that light by the Pope himself. In his eyes it is nothing but a repetition of an historical event, with which Papacy is as familiar as the Jesuits are with banishment and dissolution. Never since 1871 has the Papacy ceased to talk, to behave, and to act as though it wielded temporal power. And having, in reality, lost nothing but its debts and its troubles, it may be said to occupy a stronger position than before. As to the dogma of Infallibility and the dictates of the Syllabus of the 18th December, 1864, we would call them reassertions rather than innovations, and must confess ourselves unable to understand the sensation they have created in modern society. In fact, the Syllabus alone did not create much sensation. Though containing the most emphatic condemnation of all we deem essential to modern civilization (§§ 15-55), that document was almost forgotten a few weeks after its promulgation, and even now its eighty anathemas have proved powerless to cause any one thing to be done or undone that would not have been done or undone if the Syllabus had never been written. Who knows whether the dogma of Infallibility, which was proclaimed three years later, would not have passed away as noiselessly as the Syllabus, if the institutions of the *Placet* and the *Exequatur* had not existed in most countries of the European continent. Yet these countries had no reason to be frightened at the dogma, as they must, for centuries, have been accustomed to the idea of a would-be infallible Catholic

Church. Whether the attributes of infallibility were to belong to the council or to the Pope was a domestic question of the Church, more interesting to bishops and priests than to kings and ministers.

It cannot be denied that ever since the Pope's return from Gaëta in 1850 the Catholic Church has become more and more identified with Jesuitism. The late Cardinal Ferretti, a near relative of Pius IX., declared openly that he had come to the conclusion that Papal rule was impossible without the Jesuits. And what are the aims of Jesuitism? They may be summed up in the word "hierarchy." The Pope is to be the spiritual and temporal sovereign of mankind. Kings may act as his proxies and delegates, but always as his subjects. The pretensions of what is called Legitimacy may be tolerated and countenanced, because "legitimate" sovereigns and pretenders are generally better servants of the Church than usurpers. But there is no "right divine" belonging to kings. Otho IV. called himself "Emperor by the grace of God and of the Pope"; the princes of the future will be kings by the grace of the Pope alone, the Pope alone being what he is by the grace of God. In this sense the Jesuits may support the claims of Chambord, of Don Carlos, of the ex-king of Naples. But it is a mistake (though a very common one) to believe that the cause of "legitimacy" is dear to the Jesuits. They want to rule themselves; and if they cannot rule through tools of their own, they would rather have democracy than monarchy, and rather anarchy than democracy. "Through anarchy to hierarchy" is their well-known but often-forgotten motto.

We must further admit that the ethics of Jesuitism consist in shrinking from nothing that will lead to this consummation, while its dogmatics are latitudinarian in all matters not referring to their favorite scheme. The Jesuits, therefore, can afford to be more amiable and more tolerant than many an earnest Protestant. But, after all, they are men suffering from a monomania, who allow their temper and certainly their reason to break down when the morbid idea stands before them. The more, therefore, the Papacy identified itself with Jesuitism, the more it partook of its weaknesses. It became coarse in its doctrines, slippery in its practices, and more than usually child-

ish in its symbolism. The proclaiming of the dogma of the Immaculate Conception, the kidnapping of Jewish children, and the exhibition of weeping Madonnas, are three typical instances to which many more might be added. The habitual short-sightedness of Jesuitical cunning never showed itself more plainly than in the choice of the year 1870 for the assertion of a Papal prerogative which might have been usurped in silence and exercised too, there being no council to contest it, and the council, which cannot convoke itself, having, when not convoked, no corporate existence. Such were the powers which new Germany saw, or fancied to be, arrayed against it in 1871. While the new Papacy was more coarse and short-sighted, more slippery and childish, than the Papacy of Gregory VII., the new Empire was certainly more cultivated and enlightened, more moral and more manly, than the Empire of Henry IV. Which, then, had to dread the other? At first there seems to have been no grudge between them. As long, at least, as Victor Emanuel's neutrality remained doubtful, the King of Prussia exchanged civilities with the Pope, which were the more sincere as they were not called for, the Pope being then as "infallible" and as *syllabic* as he is to-day. If, notwithstanding all this, a deadly contest has arisen between the two powers, we must seek its causes in a peculiar phase of public opinion which had developed itself in Protestant Germany, and especially in Prussia, long before the present struggle began, and which we will now endeavor to describe.

The number of Protestant sects is not great in Germany, the majority of the Protestants being Lutherans, the minority Calvinists. The royal family of Prussia belonged originally to the latter. But as the differences between the two sects consisted mainly in the Calvinistic doctrine of predestination and the Lutheran doctrine of "ubiquity," a natural desire for union arose in both churches. By command of Frederic I. of Prussia, a united church service was held in Berlin as early as 1703. But the Calvinists having no ritual to give up, while the Lutherans had a great deal of it, the bargain seemed unfair; and although the Lutherans were forced by Frederic William I. to give up altar candles and the singing of collects, the cause of union was not furthered by such means. Only

in 1817 the question was broached again, first in Nassau, then in Prussia. The clergy were invited by the government to discontinue the use of the term "Protestant," to substitute the word *evangelical* for it, and to prepare the way for a spontaneous union of the two churches. The appeal was successful. A new eucharistic rite was invented by way of compromise, and the king, accompanied by the members of both consistories, inaugurated the new service. In a few years the "United Church" became the predominant church of non-Catholic Germany and the established state church of Prussia. It failed to take root only where the want of a union could not be felt, the population belonging almost entirely to one church, — as in the Palatinate, which was Calvinistic; and in Hanover and Eastern Prussia, where Lutheranism predominated.

The consequence of the Union is that we now have three churches in Prussia instead of two, and that the old Lutherans, who are people of strong feelings, hate the Unionists even more than they hated the Calvinists before the Union. Moreover, the United Church being the Prussian state church, the old Lutheran hatred of the Union can easily translate itself either into hostility to the state-church principle or more easily still into hostility to Prussia. Hence the difficulty with which the Hanoverian Lutherans accepted the new position created for them by the annexation of Hanover to Prussia in 1866. And hence also the strong reaction which took place in Prussia itself against the hierarchical spirit of Herr von Mühler's church administration. That spirit was bad enough to provoke the ill-will of a large body of men belonging to the state church itself, but who had at heart the cause of religion rather than that of the state. Theologically, these men were the antipodes of the Lutherans, but they agreed with them in disapproving the policy of the government, and in judging the events of the day according to the principles of theoretical morality, regardless of political expediency. Ten years ago they joined to form the *Protestanten-Verein*, an association whose principles are union on the broad ground of Christian sentiment, irrespective of dogmatic differences; congregational autonomy under freely elected pastors; and separation of Church and State.

Why the Minister who was mainly responsible for these defections was suffered to remain in office until 1871 is not quite clear, considering that the government stood in need of the people's affection and devotion when it entered upon the war with France. But then these affections had proved cheap in 1866, when the Liberals voted a bill of indemnity to Bismarck, implying plenary indulgence for the sins of his Cabinet and even for those of Herr von Mühler. And the success of Bismarck's policy was brilliant enough to secure the conversion, not only of political, but also of many theological opponents, such as Lutherans and Rationalists. They could no longer dissociate the idea of the Church from that of the State, and the triumphs and the glories of the State became triumphs and glories of the Church. Moreover, that state, it must be granted, was a structure of singular beauty and unprecedented perfection. Unconsciously and unintentionally, Prussia had become a realization of the Hegelian state, which was a far more practicable idea than Plato's commonwealth. Such a state, the converts said, deserves to be strong; and even the Church cannot fare badly if put under its tutelage, or, even if it did, a decaying state church would still be better than a thriving church divorced from the state.

That these conversions amply made up for the defection of the *Protestanten-Verein* can easily be conceived. David Strauss belonged to these converts; and so did the late Professor Hengstenberg and a host of Hengstenberg's followers long known in the theological world as the "Party of the Evangelical Church Gazette." These theologians call themselves Lutherans, but might as well be called followers of St. Augustine. They accept the Lutheran doctrine about sin and justification, but evidently dislike the general spirit of the Reformation as leading to plurality and anarchy in the Church. Wanting, above all, a hierarchy, they are ready to accept whatever is most likely to add to the power of the Church; and, in default of a Pope, they accepted the state of 1866 as a convenient reservoir of centralized power from which they might draw *ad libitum*.

They had, of course, some difficulty in justifying their conversion. On what grounds could they as theologians defend

the new policy of Prussia, when even Herr Lasker, a mere politician and a Jew and a member of Bismarck's own party, had publicly spoken of "the sin of '66." Their apologetic pleadings could be based only on the "accomplished fact" theory, which implies the justification through success, and on the philosophical absoluteness of the state, which implies the contingency of the Church. Neither doctrine, however, fitted into their creed, and the former smacked of Jesuitism, so that those who acted on it forfeited their right of attacking the Jesuits on that ground.

The result of this sophistry was a new kind of state theology quite peculiar to Prussia, whose expounders are generally skilled writers and good orators. But their rhetoric is barren, and the more they write and talk, the more bitterly they are hated by the stancher Lutherans, who despise them for having prostrated themselves before the idol of political success.

How strong these feelings still are in Protestant Germany we may learn from a curious book published last winter by Baron Hodenberg under the title of "The Banquet of Socrates, a Picture by Feuerbach and an Image of the Theology of Rhetoric." The picture here mentioned was exhibited in Hanover in 1871. It represents Socrates conversing with his friends after a long supper. The dawn of morning is visible through the window, and on the threshold of the open door stands Alcibiades, the disciple of Socrates, who, just returning from his orgies, cannot go home without paying a flying visit to his master. He is escorted by half-naked boys and girls, bearing torches or beating tambourines. Of course, he is drunk, and so are the philosophers, with the exception of Zeno and Socrates. They offer the cup to the welcome guests, and look at them with admiration. Socrates turns his back on them, but smiles complacently, while Zeno looks round, but does not smile.

This picture represents, in Baron Hodenberg's opinion, the moral and intellectual condition of the new German state. Notwithstanding its state church, it is not a Christian state. It is pagan. It has neither Lutherans nor Calvinists. The people are followers of Epicur, and their rulers are Alcibiades and his boon companions. Alcibiades is a proficient disciple

of Socrates, and admires his wisdom. But what is that wisdom? Socrates knows nothing about sin and righteousness. He believes that evil comes from error, and that virtue can be taught in schools. He smiles at the freaks of Alcibiades, because Alcibiades is Bismarck, and Socrates is the heathenish spirit of Prussia, the royal Prussian state theologians who want a strong state and a state church to whitewash the state when it sins. The cynic who steps forward to offer the cup to Alcibiades represents the political converts who worship success and accept all facts, even a union of churches, feeling indifferent about their differences. Zeno, at last, is the public opinion of Hanover, personified in the editor of the *Lutheran Kirchenblatt*. He is the best of the lot. For he stands aloof and does not smile on the orgy before him. But even he is found wanting by the author, his arguments being ethical and juridical instead of being Christian.

These fierce Lutherans, not unnaturally, accuse the Prussian state of Jesuitism, and think that the modern state, such as it is, is as dependent on Jesuitical practices as the Roman Catholic Church. On the Jesuits themselves they look as fellow-sufferers rather than as enemies. They abhor their ethics, but admire their religious zeal, preferring it to modern paganism and indifference. And while the Lutherans accuse the state of Jesuitism, the Rationalists (represented by the Evangelical Association) accuse it of infallibilism or hierarchical meddling with matters belonging to the natural competency of churches. The Hegelian state, then, stands accused of those very faults of which it has accused the Roman Catholic Church, and which have served as pretexts for the many legislative and executive measures taken quite recently against its clergy. Neither the Lutherans nor the Rationalists approve of these measures, the former condemning them on religious, the latter on liberal, grounds. And even if no such measures had ever been thought of, the Lutherans and the Evangelical Association would still be the natural opponents of the Prussian state, and, for that, the natural allies of the Roman Catholics. Separated, however, as these three fractions are from each other by enormous intellectual distances, they have never been able to coalesce into one compact opposition party. Nor have they ever fitted into

the rubrics of existing political parties. They may have their affinities among the feudal and the progressist parties, but the only thing the three religious fractions have in common is their *not* belonging to the national party. They can sympathize and co-operate with each other on no ground but that of anti-nationalism. They are the natural advocates of separatism, the natural opponents of union. The Evangelical church, being a union of churches, is an eyesore to the Lutherans, and Prussia as a union of Church and State is objectionable to all. The Hanoverian Lutherans, moreover, and the Polish Catholics, having the common grievance of being the victims of annexation, were naturally separatistic in their political leanings; yet this community of grievance added nothing to their strength, because the Rhenish Catholics, being good patriots, could no longer join the Polish Catholics, and the loyal Prussian Lutherans could no longer join the Hanoverian Lutherans. It may be said, therefore, that when the first Imperial Parliament met in 1871, the three religious fractions more or less hostile to the new Empire represented, neither jointly nor severally, an opposition worth taking into consideration. They did not even sit on the same benches, and the five or six Catholic deputies which had taken their seats in the centre of the house sat there as no *Corpus catholicorum*, and could hardly be called a political fraction, until the bad tactics of an intolerant majority had given them the importance they wanted.

The rulers of the new state derived additional strength from the support of the Old Catholics, who, having remained popeless, yet wishing to remain Catholics, felt the want of some new fountain-head of authority, and could find none better than the state. And the state, in its turn, was only too glad to nurse and to protect the new church during its nonage, and to make it an attractive bait for Ultramontane deserters. For, the more rapidly South German Ultramontanism could be absorbed by it, the thinner would become the ranks of those who were the natural, if not yet the avowed, enemies of the new Empire. The government lost no time in giving its sanction to the election of Dr. Reinkens as bishop of the Old Catholics. It conferred upon him the same benefices as would have been due to him as a Roman Catholic bishop, and we

have no doubt that the Reichstag will, sooner or later, pass a law authorizing the new church to claim its share in the funds, prebends, and immovable property of the Roman Church.

It must be remembered that the Old Catholics accept the modern doctrine of the state in all its bearings. They repudiate, therefore, the American doctrine of "a free church in a free state," known in Europe only through Cavour's formula, and admit with Hinschius that "the state should be omnipotent in everything that has, within the sphere of the state, an outward or phenomenal existence." The churches having such an existence, it follows that they cannot be free within the state. According to the suggestion of Professor Zeising* of Munich, a distinction should be made between the recognized churches and the tolerated churches. The complex of the "recognized" churches should constitute the National Church, whose nationalness would have to consist in nothing but the exclusion of foreign allegiances; while all those churches which recognize authorities not being the state, either inside or outside the state, would have to be treated as "tolerated" churches, and to be placed under the immediate control of the state. A separation of Church and State is admitted by the Old Catholics only in so far as they are in favor of neutralizing the school, the cemetery, and the marriage rite.

Such were, and such are, the new allies of the new state. The government not only was strong, but was desired to be strong by the people. Its strength had become an article of their faith. The successful termination of two wars, the political union of Germany, and the more liberal policy inaugurated by Dr. Falk, the new Minister of Worship and Public Instruction in Prussia, had gradually changed opposition into connivance, forbearance into support, reluctant approval into grateful co-operation. The mighty current of an all but unanimous public opinion had given buoyancy to the government; and this popularity, which had never been courted and often been wantonly defied, was the more likely to last, as it was spontaneous and impersonal. If weaker states can afford to tolerate the presence of Jesuits and of demagogues, a strong

* Zeising, *Religion und Wissenschaft, Staat und Kirche*, pp. 442, 458. Wien, 1873.

state, such as Prussia was and as the new Empire bade fair to become, might have abstained, one would think, from all exceptional measures against an enemy who had just lost his kingdom, and whose deification at the expense of the Council involved a mere shifting of authority within the Church without adding to its collective strength. What were the provocations, besides the six deputies of the Centre? None but the disobedience of the bishops, who insisted on promulgating and expounding the new Roman dogma, irrespective of the Royal Exequatur. But the difficulty lay in the Exequatur rather than in the dogma. Considering that the dogma implied the truth of the Syllabus, the state could not give the Exequatur without making a fool of itself, and could not refuse it without committing a political error. It preferred the latter.

A new series of contraventions, reprisals, and punishments began. The German mind, not understanding priestcraft, and being apt to overrate its power and to underrate its invulnerability, continued to be haunted by the black spectre, and to entertain fears for the safety of the political edifice, the erection of which had cost so many lives. A good pretext for action was also furnished by the circumstance that many priests, who had shown a certain loyalty to the state, were excommunicated, suspended *a divinis*, or otherwise harshly treated by the Catholic bishops. The state being unable to force them back to the altar, yet desiring to protect them against hierarchical oppression, deemed it necessary to widen the sphere of its legal competency; and in the course of 1872 and 1873 a series of new laws was made for this purpose, of which three were passed by the German Reichstag and five by the Prussian Landtag.

The former are: the School Inspection Law, giving to the state the *exclusive* control over all private and public schools; the law proposed by Herr Lutz, punishing ecclesiastics with imprisonment for discussing state affairs in a manner likely to disturb the public peace; and the law against the Jesuits, suppressing their colleges and seminaries, and expelling the Order from the territory of the German Empire.

The five Prussian laws bear the dates of the 5th of April, the 11th, 12th, 13th, and 14th of May, 1873. In the first law, the state renounces the right of nominating, appointing, and in-

stalling any ecclesiastical functionary, except the military chaplains. But this concession is amply compensated by the law of May 11, which limits the qualification for ecclesiastical offices to native Germans (§ 13), who have made their first studies in a German gymnasium, who have been students for at least three years at a German university, and who have passed a scientific "state examination" (§ 4), intended to test the candidate's *general culture* by his proficiency in philosophy, history, and literature (§ 8).

All seminaries and conventional establishments are to be under the control of the state (§ 9). Seminaries for boys to be abolished (§ 14).

All new appointments must be announced by the church authorities to the governor of the province (§ 15), who has a right to protest (§ 16) on the ground of the nominee's incapacity or immorality, or "if there is reason to suppose that he may act in a spirit hostile to the laws and the civil authorities." Against this veto the ecclesiastical authorities may appeal before the new ecclesiastical Court of Justice, whose decision is final.

Every vacancy is to be filled up within one year. After that term, the appointment can be enforced by fines of a thousand thalers (to be repeated, if necessary), by the withholding of the state funds set apart for the maintenance of the vacant office, and by the stopping of the salary of the functionary who is responsible for the prolongation of the vacancy (§ 18).

The law of May 12 refers to church discipline, and to the institution of a new Court of Justice for ecclesiastical affairs.

Church discipline can be enforced only by German church authorities (§ 1). They can inflict no penalty without having heard the defence of the accused, and can dismiss, remove, suspend, or pension no functionary except after legal proceedings. They may inflict fines not exceeding thirty thalers (§ 4), or detention, for a period not exceeding three months, in an ecclesiastical penitentiary (*Demeriten Anstalt*), standing under the control of the civil governor, to whom every sentence, together with its reasons, is to be communicated within twenty-four hours (§§ 5, 6).

Against these sentences the accused may appeal, or the state

may interfere, without the accused's appeal, in cases of obvious abuses of power on the part of the church authorities.

A new "Court of Justice for Ecclesiastical Affairs" is to be instituted in Berlin (§ 32). It will consist of eleven members, nominated for life by the government. The president and five of the members must be regular judges in the service of the state (§§ 33, 34). The publicity of the proceedings may be limited or excluded by the court itself (§ 18), whose decisions are to be founded on circumstantial evidence and a "comprehensive" view of the whole case (§ 21), rather than on absolute proofs. They are to be final (§ 35), and the court can make no charge for costs, except for real expenses incurred (§ 36).

The law of May 13 enacts that no ecclesiastical authority can inflict or threaten to inflict any kind of punishment for actions or omissions prescribed by the civil laws or the state authorities, nor for a vote given or an abstention from voting at public elections, nor with a view to deter from actions prescribed by law, or from the free exercise of the right of voting (§§ 2, 3).

Finally, the law of May 14 regulates the civil consequences of a change of church allegiance when duly announced to the local judge.

In all these laws the fines vary between two hundred and one thousand dollars; and as even the repeated imposition of these fines has proved insufficient to enforce obedience, a new law is likely to be brought forward, empowering the state to add imprisonment or banishment to the fine.

On the whole, there is a paternal spirit in these laws. The faithful are protected against hierarchical tyranny, and the protection is so cheap that it is within the reach of the poorest beadle. But the hierarchs must think these laws Draconian. The Archbishop of Posen and the Prince Bishop of Breslau have both been mulcted so heavily that the punishment has lost its sting in their case. The former has been invited to resign office or to appear before the new tribunal in Berlin. Of course he has done neither, but expresses his astonishment that Prussian authorities, in their heretic ignorance of the nature, source, and force of ordination, can think of deposing a bishop or of causing him to resign. As to the Bishop of Breslau, he intends (it is said) to avail himself of the geographical

configuration of his diocese, which overlaps the Austrian frontier, and would enable him to quit Prussia without quitting his diocese.

We are of opinion that a state which, through the institution of obligatory education, is as much master of the souls of its citizens as it is master of their bodies through the institution of the Landwehr, might have contented itself with a revision of the school laws, either secularizing the school or favoring Protestant instruction, and relegating Roman Catholic instruction, as much as possible, to the sphere of domestic life. A state with a Protestant state religion might do such things with a certain show of fairness. It might have trusted to the seeds of its own gratuitous state education, taking its chance about the less controllable influences of pulpit oratory, as it *must* take its chance with regard to those altogether uncontrollable influences belonging to the sanctuary of domestic life. It may be urged that the rulers and legislators of Prussia could have no confidence in the seeds which for so many years had been sown by Herr von Mühler. But that would explain, not why the new weapon was made, but only why it was made to cut either way, the word "Catholic" hardly occurring in the new laws.

Of the ultimate consequences of these laws it would be premature to judge. It is as easy to expel Jesuits as it is to lock out a thief. But as long as thieves are prowling in the neighborhood, the house is as insecure as before. In fact, it would be impossible to judge fairly of this anti-Catholic movement in Germany, without looking beyond the frontiers of the new Empire and comparing the action of the German state and the sectarian movement of the German Catholics with the corresponding and simultaneous phenomena in other countries.

The whole anti-infallibilistic movement of the last three years may be divided into the Italian, the Swiss, and the German movement, each of which may again be subdivided into the political action of the State and a sectarian movement within the Church. We have said enough about Germany, and what little we have said about the Old Catholics suffices to show that, whatever their ultimate aspirations may be, for the present they prefer nationalism to Catholicism, and their church is essentially German.

In Switzerland the state behaved like the Prussian state. As it enjoyed, like Prussia, the blessings of the Placet and the Exequatur, the bishops had no difficulty in defying the government, and the government had no difficulty in punishing the bishops, one of whom was escorted across the frontier by gendarmes. At the same time, the Geneva Council passed new laws, proclaiming the ecclesiastical autonomy of the diocese. It was enacted that the people should have power to elect their priests, and very soon the Grand Council of Berne proposed another law (not voted * yet), making priests removable from office every six years, unless properly re-elected, and conferring ecclesiastical jurisdiction on the priest elect independent of the bishop's sanction, and without the *institutio canonica*. And to these three important innovations we must add the *de facto* abolition of priestly celibacy, the state of Geneva having recognized the election of M. Loyson (the newly married Father Hyacinth) as Catholic curate of Geneva.

But like the Swiss state, which has no genuine nationality, the sectarian movement headed by M. Loyson was far more catholic and far less national in its aims than that of the Old Catholics of Germany. To remove all doubt about this matter, M. Loyson, in a recent letter to a Paris paper, declares openly that "he has sworn to obey the Swiss laws, but he will not become a clerical subaltern of any civil authority"; that he is "more than ever a partisan of church autonomy," meaning by church "the congregation with its pastors elect," and that he "had not fled from the tyranny of Rome merely to submit to the rule of state ministers, or to the caprice of legal majorities." For the same reasons, he adds, "the clergy and the Reformed Catholic Church of Geneva do not stand, and *do not wish to stand, in any relation of hierarchical dependence towards the newly appointed bishop of the Old Catholics of Germany*." Even in Austria, which is more than half German, and where the government has prepared no fewer than seventeen laws that are to regulate the relations between Church and State in lieu of the Concordat of 1855, the ecclesiastical jurisdiction of Bishop Reinkens has not been recognized, not even by the Old Catholics themselves.

* It has been voted since this was written.

We now come to the Italian movement, which preceded the others in time. Its principal results have been, the downfall of the temporal Papacy, the so-called Law of the Guarantees, and the suppression of the religious corporations. On all these occasions the Italians have acted *suaviter in modo, fortiter in re*. Nor can we wonder that a nation which has produced more priests than any other nation, and which has remained so long the *matrix* of the Papacy, should understand better than any other nation how to deal with priests and priestcraft. We might prefer *gaucherie* to *finesse* in this matter. But that is a separate consideration. What interests us here is the remarkable fact, that, notwithstanding the identity of their interests, the Italians and the Germans do not pull together, though they may pull the same way. The Germans accuse the Italians of softness and shilly-shallying; the Italians accuse the Germans of clumsiness and hardness. The Italians are not sorry to see what is going on in Germany, but they do not like it. We cannot follow you, they say to the Germans, but we wish you God speed.

The feeling is a complicated one. Now that the Papacy is vanquished and national unity secured in Italy, the old flame of hatred can no longer be fed, and the once-dreaded Papacy becomes, once more, dear to the Italian heart; not, indeed, as a living thing, but as a ruin or a mummy whose preservation gratifies the Italian love for historic continuity. The reconciliation which was impossible, or which would have been absurd, between the King of Italy and the King of Rome, may very well take place between the King of Italy and the Primate of the Church. And should it happen (as it may happen any day) that foreign Catholics get tired of sending Peter's-pence to the Pope, and that the Pope, in a weak moment of fallibility, allows himself to accept the glittering but fatal gift of three million livres which, in accordance with the Law of the Guarantees, must constantly be kept within his grasp, should, in fact, the Pope ever become the Prebendary of the state, no subtlety of plea, no sophistry of argument, could save him from the natural consequences of that position. We must further remember that the Papacy, though pretending to be catholic and cosmopolitan, has, in reality, always been an

Italian institution. Among ten cardinals we find, on an average, nine Italians, and the proportion of non-Italian Popes is smaller still. This is a vicious circle, the electors being appointed by the elect, and we do not see how a proper rotation of foreign elements could ever be brought about under such auspices. Yet, if it wishes to remain catholic, the Papacy *must* cease to be in Italian hands, because, the Italians having become a nation, Italy has ceased to be neutral ground. A national Papacy is sheer nonsense. When it calls upon all men to form one flock and to follow one shepherd, it must begin by pulling down its own fences and opening its own fold. It must denationalize itself. And as it is not likely to do so, — and probably could not, if it would, — the probability is, that, in the course of time, it will shrink to something like an Italian state church, whose catholicity would then be purely nominal, like that of the Anglican Church.

The Italians are not fond of theological discussions, and the Church question interests them only in so far as it is connected with questions of history and of canonical law. But although we must not look to Italy for anything like doctrinal reform, the Italian Church has not remained quite undisturbed during these three years. It has had its miniature revolution, which ought not to remain unnoticed, since it has given rise to learned and highly instructive discussions in the Italian papers.

Towards the end of last November the syndie (or mayor) of Frassino, a small borough in the province of Mantua, published a manifesto proclaiming the right of the people to elect their parish priest, and inviting the government to sanction the election, to grant all necessary funds, and to transfer the right of patronage to the people. He added (and this is important) that the people would remain as firm in their resolution as they would remain faithful to their Catholic creed. From this we infer that the people of Frassino wish to have nothing to do with the Reformed Catholic Church of Geneva. They have imitated the people of Geneva in electing their own priest, but in nothing else; and we doubt whether the Church of Geneva, with all its catholicity of doctrine, will ever spread beyond the Alps. The Italians evince a strange

dislike to M. Loyson. They have long hated their own bachelor priests, but have not learned yet to respect a married friar. The mayor of Frassinò, of course, is no exception to this rule. He is no runaway reformer, but wishes this parochial revolution to be judged from a Roman Catholic point of view. Unfortunately, from that point of view the eligibility of parish priests appears neither defensible nor intelligible; and what is good and rational in Geneva becomes sheer nonsense in Frassinò.

Professor Cassani, in a series of learned essays published in last year's *Rinnovamento Cattolico* of Bologna, has shown that the earliest precedents contained in the first and sixth chapters of the Acts of the Apostles might warrant the conclusion that the right of nomination and the right of veto belong to the congregation, but neither the right of election nor that of appointment or ordination could be derived from these precedents. To make this quite clear, we should remember that the primitive parish was the diocese, that the primitive priest was the bishop himself, and that what we now call priests are mere delegates and assistants of an overworked bishop in an overgrown diocese requiring parochial subdivisions. And if we consider that even nowadays the functions of a curate cease *de jure* during the bishop's presence in his parish, we can hardly help admitting that (from a Roman Catholic point of view) the autonomy of the parish and the election of the parish priest by the parishioners are historical and canonical anomalies. The bishop, who is the only real priest, might do without curates, if his diocese were small enough. The parish priest, therefore, who is his delegate, must be appointed by him and removable by him.

And so it was, in fact, until feudalism crept into the Church and fixed benefices or livings were founded by private donors, or by corporations, or by the state. Then the priest, whose salary was no longer taken from the diocesan fund by the bishop, became *in temporalibus* independent of the bishop. He could be suspended *a divinis* and, in fact, dismissed by the bishop, but not deprived of his living, and in this sense priests are still irremovable. Thus a third power, the *patronage* or right of advowson, was put between the bishop and his priests;

but it never acted as a proper check, the persons in whom the *jus patronatus* was vested being the natural allies of the bishop. At present, the equilibrium of power could only be restored by conferring the patronage on the congregation ; that is to say, by making them pay for the maintenance of their church and their priest. Those who do not like this bargain should leave the Church, as the Geneva Catholics have done, and not profess to remain in it, as the people of Frassinio have done.

We are of opinion that all this might be effected without the intervention of the state. Neither the Geneva legislators nor the Grand Council of Berne are competent to regulate these affairs ; and M. Loyson, though profiting by their friendly Cæsarism, most justly objects to it. In Italy, public opinion is so strongly opposed to all state intervention, that a reformer of the Catholic Church could not look to the state for the smallest help ; and many people fear that the rulers of Italy will go too far in their eagerness to leave the Church to its own resources, and that they will renounce their rights in favor of the Pope, instead of renouncing them in favor of the people. The *Placet* and the *Exequatur* are, indeed, objectionable remnants of the past. But they are objectionable merely because they are in the wrong hands. If they are to be given up, they need not disappear altogether, but should be restored to their rightful owners, the people. Being held by the state, they cannot but be in the state's giving.

The anti-Catholic movements of Italy, Germany, and Switzerland have, thus far, been successful, and the Pope has no reason to congratulate himself on the consequences of his apotheosis. He may still speculate on France or on the Republic of Ecuador, which quite recently has dedicated itself, in a solemn manifesto, to the Sacred Heart of Jesus. But the number of his enemies, both temporal and spiritual, is rapidly increasing, and if they were united there would be little hope for him.

Fortunately for him, they are not. We have endeavored to make it clear that there is no unity of action or of purpose either in the new apostacies or in the various kinds of state intervention. Without quarrelling, without, in fact, wishing each other anything but success, the enemies of the Roman

Church seem yet disposed to disavow each other. A remarkable tendency to individualism and to plurality prevails in religion as well as in politics. Italy, it is true, has united, and Germany has reunited, but only to bring out more strongly the pre-existing national individuality and to enhance the capacity for self-assertion. The belief in the possibility of an international union, or of a reunion of the churches, is a fashionable fallacy, due probably to the prevailing enthusiasm about steam-power and electricity. For, whatever their ultimate effects may be, railways and telegraphs have, thus far, acted in the opposite sense. They have brought out differences and antagonisms where one least suspected them. Nationalities have never been more strongly marked than they are now. And this is, of course, as it ought to be, since it is obvious that the consciousness of our differences must precede the consciousness of our union and common humanity. The facility and frequency of intercourse which makes us conscious of our peculiarities forces us at the same time to dissimulate them, and thus teaches us a *modus vivendi* which, in society, we call manners, in politics diplomacy, in religion tolerance.

Nor is the plurality of churches a new phenomenon. It has been the characteristic feature of the Protestant world, and even in the Catholic world we have become familiar with the idea of three churches. What is new, however, is the *indefinite* plurality of "Catholic churches." For nobody can tell into how many more splinters the old tree may yet split. We shall then have no tree, but many splinters pretending to be the tree. The Roman Church itself may become only one of the many would-be-Catholic churches. And as the geographical boundaries of the dioceses are not likely to coincide with the political boundaries of the states, it must come to this, that each state will contain parts of several churches, and each church will extend over parts of several states. Each state, then, and each church, will have to regard each other as something partly internal and partly external. We do not understand how a state church can be thought of under these prospective circumstances. A union of Church and State was possible while there was but one state, the Empire, and one Church, the Catholic Church; in our days it is not even intelli-

gible. We might as well talk of a union of the family and the state, which certainly existed and still exists in patriarchal communities among nomad tribes. But we have outgrown the family state, and must outgrow the state church too.

A complete separation, however, of Church and State is, for the same reasons, as impossible as a complete union. Cavour's formula contains a false metaphor, the church being no more "in" the state than the state is in the church, and the "liberty" it proclaims implying mutual indifference which is neither desirable nor possible. We have no proper term to express the relation that might and ought to exist between a state and each of the churches to which its citizens may belong. The state stands, or might stand, to them in the double relation of attorney and trustee. Its attorneyship expresses its separation from the church, its trusteeship its union with it. As attorney of the people, the state replaces the church, by registering, teaching, marrying, and burying even those who are disowned by their church. And as trustee of the church, it protects the priest as well as the rate-payer. It need not be added that neither capacity would confer upon the state the right of patronage, and much less the attributes of apostolic authority.

The plurality of "Catholic" churches is, theoretically, an absurdity. But practically the illogical epithet is useful, because it reminds us of an irrepressible aspiration of the human heart, and thereby helps to perpetuate that aspiration. It points towards something, no matter whether real or ideal, which is higher than anything the state can give. And considering what a state is, even at its best, we ought to be glad of it. A state is an organism. That organism may be beautiful and perfect like that of a tiger, for instance. But, all in all, we prefer the sickliest of men to the healthiest of tigers, whose affections never extended beyond her cubs. Our states are armed to the teeth in broad daylight, and, if they do not annihilate each other, must one day be choked by their own armor. Anything more selfish, in fact, more irritable and more vindictive, than a modern state, it would be difficult to imagine. Our patriotism is but a mixture of pride and love, and both are proverbially blind. But even the blindest patriot must admit that the highest laws ever recognized by any political

state are the law of majorities for its internal affairs, and the code of honor for its dealings with the outer world. Can it be that there is no sphere beyond this, and that duelling and racing are the highest forms of practical ethics?

If there is such a sphere, it must be wider than that of the state by as much as the state is wider than the family. And as the family is free within the state, although the family compact is regulated and sanctioned by the state, so the state may be free within the church, provided its self-given laws at home and its self-willed actions abroad are in harmony with a higher will and with a higher law, outreaching states and outliving empires.

We are aware that this ideal catholicism has never yet existed in form of a church, and that the Roman Church has generally (to say the least) coexisted with moral and political decay. But it is important and salutary that the worshippers of state omnipotence should be occasionally defied, and reminded of the existence of powers that can resist brute force and of laws that are independent of majorities. The Catholic sentiment cannot be got rid of; and when it cannot appeal to the catholicity of religion, it will appeal to the catholicity of philosophy, its scientific substratum, or to that of socialism, its ethical substitute.

We rejoice over this increasing plurality of churches, inasmuch as it will strengthen and revive the catholic sentiment. In this sense we may say with the Jesuits, "Through anarchy to hierarchy," if by anarchy we understand the plurality of churches, and by hierarchy that Holy Empire which shall be Church and State, though neither Roman nor German, and in which there shall be "union in all essentials, liberty in contingents, and love in everything." That empire is Utopia we know. It cannot come to us, nor could we reach it if we went in search of it. But the use of an ideal is, that it determines the direction of our path, and the value of human progress lies far more in its direction than in its speed.

E. GRYZANOWSKI.

ART. IV. — *Frühlingsfluthen. Ein König Lear des Dorfes.*
Zwei Novellen. Von IWAN TURGÉNIEW. Mitau. 1873.

WE know of several excellent critics who to the question Who is the first novelist of the day? would reply, without hesitation, Iwan Turgéniew. Comparisons are odious, and we propose to make none that shall seem merely invidious. We quote our friends' verdict as a motive for this brief record of our own impressions. These, too, are in the highest degree favorable; and yet we wish, not to impose a conclusion, but to help well-disposed readers to a larger enjoyment. To many such Turgéniew is already vaguely known as an eminent Russian novelist. Twelve years ago he was little more than a name, even in France, where he perhaps now finds his most sympathetic readers. But all his tales, we believe without exception, have now been translated into French, — several by the author himself; an excellent German version of the best is being published under his own supervision, and several very fair English versions have appeared in England and America. He enjoys what is called a European reputation, and it is constantly spreading. The Russians, among whom fiction flourishes vigorously, consider him their greatest artist. His tales are not numerous, and many of them are very short. He gives one the impression of writing much more for love than for lucre. He is particularly a favorite with people of cultivated taste; and nothing, in our opinion, cultivates the taste more than to read him.

I. — He belongs to the limited class of very careful writers. It is to be admitted at the outset that he is a zealous genius, rather than an abundant one. His line is narrow observation. He has not the faculty of rapid, passionate, almost reckless improvisation, — that of Walter Scott, of Dickens, of George Sand. This is an immense charm in a story-teller; on the whole, to our sense, the greatest. Turgéniew lacks it; he charms us in other ways. To describe him in the fewest terms, he is a story-teller who has taken notes. This must have been a life-long habit. His tales are a magazine of small

facts, of anecdotes, of descriptive traits, taken, as the phrase is, *sur le vif*. If we are not mistaken, he notes down an idiosyncrasy of character, a fragment of talk, an attitude, a feature, a gesture, and keeps it, if need be, for twenty years, till just the moment for using it comes, just the spot for placing it. "Stachow spoke French tolerably, and as he led a quiet sort of life passed for a philosopher. Even as an ensign, he was fond of disputing warmly whether, for instance, a man in his life might visit every point of the globe, or whether he might learn what goes on at the bottom of the sea, and was always of the opinion that it was impossible." The writer of this description may sometimes be erratic, but he is never vague. He has a passion for distinctness, for bringing his characterization to a point, for giving you an example of his meaning. He often, indeed, strikes us as loving details for their own sake, as a bibliomaniac loves the books he never reads. His figures are all portraits; they have each something special, something peculiar, something that none of their neighbors have, and that rescues them from the limbo of the gracefully general. We remember, in one of his stories, a gentleman who makes a momentary appearance as host at a dinner-party, and after being described as having such and such a face, clothes, and manners, has our impression of his personality completed by the statement that the soup at his table was filled with little paste figures, representing hearts, triangles, and trumpets. In the author's conception, there is a secret affinity between the character of this worthy man and the contortions of his vermicelli. This habit of specializing people by vivid oddities was the gulf over which Dickens danced the tight-rope with such agility. But Dickens, as we say, was an improviser; the practice for him was a kind of lawless revel of the imagination. Turgéniew, on the other hand, always proceeds by book. What could be more minutely appreciative, and at the same time less like Dickens, than the following portrait?

"People in St. Petersburg still remember the Princess R——. She appeared there from time to time at the period of which we speak. Her husband was a well-bred man, but rather stupid, and she had no children. The Princess used to start suddenly on long

journeys, and then return suddenly to Russia. Her conduct in all things was very strange. She was called light, and a coquette. She used to give herself up with ardor to all the pleasures of society : dance till she dropped with exhaustion, joke and laugh with the young men she received before dinner in her darkening drawing-room, and pass her nights praying and weeping, without finding a moment's rest. She often remained till morning in her room stretching her arms in anguish ; or else she remained bowed, pale and cold, over the leaves of a hymn-book. Day came, and she was transformed again into an elegant creature, paid visits, laughed, chattered, rushed to meet everything that could give her the smallest diversion. She was admirably shaped. Her hair, the color of gold, and as heavy as gold, formed a tress which fell below her knees. And yet she was not spoken of as a beauty ; she had nothing fine in her face except her eyes. This even, perhaps, is saying too much, for her eyes were gray and rather small ; but their deep keen gaze, careless to audacity, and dreamy to desolation, was equally enigmatical and charming. Something extraordinary was reflected in them, even when the most futile speeches were passing from her lips. Her toilets were always too striking."

These lines seem to carry a kind of historical weight. It is the Princess R——, and no one else. We feel as if the author could show us documents and relics ; as if he had her portrait, a dozen letters, some of her old trinkets. Or take the following few lines from the admirable tale called "The Wayside Inn" : "He belonged to the burgher class, and his name was Nahum Iwanow. He had a thick short body, broad shoulders, a big round head, long waving hair, already grizzled, though he was not yet forty. His face was full and fresh-colored ; his forehead low and white. His little eyes, of a clear blue, had a strange look, at once oblique and impudent. He kept his head always bent, his neck being too short ; he walked fast, and never let his hands swing, keeping them always closed. When he smiled, and he smiled often, but without laughing, and as if by stealth, his red lips parted disagreeably, showing a row of very white, very close teeth. He spoke quickly, with a snarling tone." When fiction is written in this fashion, we believe as we read. The same vividly definite element is found in the author's treatment of landscape : "The weather continued to stand at set-fair ; little rounded white clouds

moved through the air at a great height, and looked at themselves in the water ; the reeds were stirred by movements and murmurs produced by no wind ; the pond, looking in certain places like polished steel, absorbed the splendid sunshine." There is an even greater reality, because it is touched with the fantastic, without being perverted by it, in this brief sketch of the Pontine Marshes, from the beautiful little story of " Visions " : —

"The cloud before my eyes divided itself. I became aware of a limitless plain beneath me. Already, from the warm soft air which fanned my cheeks, I had observed that I was no longer in Russia. This plain, moreover, was not like our Russian plains. It was an immense dusky level, overgrown, apparently, with no grass, and perfectly desolate. Here and there, over the whole expanse, glittered pools of standing water, like little fragments of looking-glass. In the distance, the silent, motionless sea was vaguely visible. In the intervals of the broad, beautiful clouds glittered great stars. A murmur, thousand-voiced, unceasing, and yet not loud, resounded from every spot ; and strangely rang this penetrating, drowsy murmur, this nightly voice of the desert. . . . 'The Pontine Marshes,' said Ellis. 'Do you hear the frogs ? Do you recognize the smell of sulphur ?'"

This is a cold manner, many readers will say, and certainly it has a cold side ; but when the character is one over which the author's imagination really kindles, it is an admirable vehicle for touching effects. Few stories leave on the mind a more richly poetic impression than "*Hélène*"; all the tenderness of our credulity goes forth to the heroine. Yet this exquisite image of idealized devotion swims before the author's vision in no misty moonlight of romance ; she is as solidly fair as a Greek statue ; his dominant desire has been to understand her, and he retails small facts about her appearance and habits with the impartiality of a judicial, or even a medical, summing up. The same may be said of his treatment of all his heroines, and said in evidence of the refinement of his art ; for if there are no heroines we see more distinctly, there are none we love more ardently. It would be difficult to point, in the blooming fields of fiction, to a group of young girls more radiant with maidenly charm than M. Turgéniew's *Hélène*, his *Lisa*, his

Katia, his Tatiana, and his Gemma. For the truth is that, taken as a whole, he regains on another side what he loses by his apparent want of joyous invention. If his manner is that of a searching realist, his temper is that of a devoutly attentive observer, and the result of this temper is to make him take a view of the great spectacle of human life more general, more impartial, more unreservedly intelligent, than that of any novelist we know. Even on this line he proceeds with his characteristic precision of method; one thinks of him as having divided his subject-matter into categories, and as moving from one to the other, — with none of the magniloquent pretensions of Balzac, indeed, to be the great showman of the human comedy, — but with a deeply intellectual impulse toward universal appreciation. He seems to us to care for more things in life, to be solicited on more sides, than any novelist save George Eliot. Walter Scott cares for adventure and bravery and honor and ballad figures, and the humor of Scotch peasants; Dickens cares, on an immense, far-reaching scale, for picturesqueness; George Sand cares for love and botany. But these writers care also, greatly, and indeed almost supremely, for their fable, for its twists and turns and surprises, for the work they have in hand of amusing the reader. Even George Eliot, who cares for so many other things beside, has a weakness for making a rounded plot, and often swells out her tales with mechanical episodes, in the midst of which their moral unity quite evaporates. The Bulstrode-Raffles episode in “Middlemarch,” and the whole fable of “Felix Holt,” are striking cases in point. M. Turgéniew lacks, as regards form, as we have said, this immense charm of absorbed inventiveness; but in the way of substance there is literally almost nothing he does not care for. Every class of society, every type of character, every degree of fortune, every phase of manners, passes through his hands; his imagination claims its property equally, in town and country, among rich and poor, among wise people and idiots, *dilettanti* and peasants, the tragic and the joyous, the probable and the grotesque. He has an eye for all our passions, and a deeply sympathetic sense of the wonderful complexity of our souls. He relates in “Mumu” the history of a deaf-and-dumb serf and

a lap-dog, and he portrays in "A Strange Story" an extraordinary case of religious fanaticism. He has a passion for shifting his point of view, but his object is constantly the same, — that of finding an incident, a person, a situation, *morally* interesting. This is his great merit, and the underlying harmony of the mosaic fashion in which he works. He believes in the intrinsic value of "subject" in art; he holds that there are trivial subjects and serious ones, that the latter are much the best, and that their superiority resides in their giving us absolutely a greater amount of information about the human mind. Deep into the mind he is always attempting to look, though he often applies his eye at very dusky apertures. There is perhaps no better evidence of his minutely psychological attitude than the considerable part played in his tales by simpletons and weak-minded persons. There are few novelists who have not been charmed by the quaintness and picturesqueness of mental invalids; but M. Turgéniew is attracted by something more, — by the opportunity of watching the machinery of character, as it were, through a broken window-pane. One might collect from his various tales a perfect regiment of incapables, of the stragglers on life's march. Almost always, in the background of his groups of well-to-do persons, there lurks some grotesque, underwitted poor relation, who seems to hover about as a vague memento, in his scheme, of the instability both of fortune and of human cleverness. Such, for instance, is Uwar Iwanowitsch, who figures as a kind of inarticulate chorus in the tragedy of "Hélène." He sits about, looking very wise and opening and closing his fingers, and in his person, in this attitude, the drama capriciously takes leave of us. Perhaps the most moving of all the author's tales — moving, not in the sense that it makes us shed easy tears, but as reminding us vividly of the solidarity, as we may say, of all human weakness — has for its hero a person made imbecile by suffering. The admirable little tale of "The Brigadier" can only be spoiled by an attempt to retail it; we warmly recommend it to the reader, in the French version. Never did Romance stoop over a lowlier case of moral decomposition, but never did she gather more of the perfume of human truth. To a person able to read but one of M. Turgéniew's tales, we should

perhaps offer this one as a supreme example of his peculiar power ; for here the artist, as well as the analyst, is at his best. All rigid critical formulas are more or less unjust, and it is not a complete description of our author — it would be a complete description of no real master of fiction — to say that he is simply a searching observer. M. Turgéniew's imagination is always lending a hand and doing work on its own account. Some of this work is exquisite ; nothing could have more of the simple magic of picturesqueness than such tales as "The Dog," "The Jew," "Visions," "The Adventure of Lieutenant Jergounow," "Three Meetings," a dozen episodes in the "Memoirs of a Sportsman." Imagination guides his hand and modulates his touch, and makes the artist worthy of the observer. In a word, he is universally sensitive. In susceptibility to the sensuous impressions of life, — to colors and odors and forms, and the myriad ineffable refinements and enticements of beauty, — he equals, and even surpasses, the most accomplished representatives of the French school of story-telling ; and yet he has, on the other hand, an apprehension of man's religious impulses, of the *ascetic* passion, the capacity of becoming dead to colors and odors and beauty, never dreamed of in the philosophy of Balzac and Flaubert, Octave Feuillet and Gustave Droz. He gives us Lisa in "A Nest of Noblemen," and Madame Polosow in "Spring-Torrents." This marks his range. Let us add, in conclusion, that his merit of form is of the first order. He is remarkable for concision ; few of his novels occupy the whole of a moderate volume, and some of his best performances are tales of thirty pages.

II. — M. Turgéniew's themes are all Russian ; here and there the scene of a tale is laid in another country, but the actors are genuine Muscovites. It is the Russian type of human nature that he depicts ; this perplexes, fascinates, inspires him. His works savor strongly of his native soil, like those of all great novelists, and give one who has read them all a strange sense of having had a prolonged experience of Russia. We seem to have travelled there in dreams, to have dwelt there in another state of being. M. Turgéniew gives us a peculiar sense

of being out of harmony with his native land, — of his having what one may call a poet's quarrel with it. He loves the old, and he is unable to see where the new is drifting. American readers will peculiarly appreciate this state of mind; if they had a native novelist of a large pattern, it would probably be, in a degree, his own. Our author *feels* the Russian character intensely, and cherishes, in fancy, all its old manifestations, — the unemancipated peasants, the ignorant, absolute, half-barbarous proprietors, the quaint provincial society, the local types and customs of every kind. But Russian society, like our own, is in process of formation, the Russian character is in solution, in a sea of change, and the modified, modernized Russian, with his old limitations and his new pretensions, is not, to an imagination fond of caressing the old fixed contours, an especially grateful phenomenon. A satirist at all points, as we shall have occasion to say, M. Turgéniew is particularly unsparing of the new intellectual fashions prevailing among his countrymen. The express purpose of one of his novels, "Fathers and Sons," is to contrast them with the old; and in most of his recent works, notably "Smoke," they have been embodied in various grotesque figures.

It was not, however, in satire, but in thoroughly genial, poetical portraiture, that our author first made his mark. "The Memoirs of a Sportsman" were published in 1852, and were considered, says one of the two French translators of the work, much the same sort of contribution to the question of Russian serfdom as Mrs. Stowe's famous novel to that of American slavery. This, perhaps, is forcing a point, for M. Turgéniew's group of tales strikes us much less as a passionate *pièce de circonstance* than as a disinterested work of art. But circumstances helped it, of course, and it made a great impression, — an impression which testifies to no small culture on the part of Russian readers. For never, surely, was a work with a polemic bearing more consistently low in tone, as painters say. The author treats us to such a scanty dose of flagrant horrors that the moral of the book is obvious only to attentive readers. No single episode pleads conclusively against the "peculiar institution" of Russia; the lesson is in the cumulative testimony of a multitude of fine touches, — in

an after-sense of sadness which sets wise readers thinking. It would be difficult to name a work which contains better instruction for those heated spirits who are fond of taking sides on the question of "art for art." It offers a capital example of moral meaning giving a sense to form, and form giving relief to moral meaning. Indeed, all the author's characteristic merits are to be found in the "Memoirs," with a certain amateurish looseness of texture which will charm many persons who find his later works too frugal, as it were, in shape. Of all his productions, this is indeed the most purely delightful. We especially recommend the little history of Foma, the forest keeper, who, one rainy night, when the narrator has taken refuge in his hut, hears a peasant stealing fagots in the dark, dripping woods, rushes forth and falls upon him, drags the poor wretch home, flings him into a corner, and sits on in the smoky hovel (with the author, whom we perceive there, noting, feeling, measuring it all), while the rain batters the roof, and the drenched starveling howls and whines and imprecates. Anything more dismally real in a narrower compass we have never read, — anything more pathetic, with less of the machinery of pathos. In this case, as at every turn with M. Turgéniew, "It is life itself," we murmur as we read, "and not this or that or the other story-teller's more or less clever 'arrangement' of life." M. Turgéniew deserves this praise in its largest application; for "life" in his pages is very far from meaning a dreary liability to sordid accidents, as it seems to mean with those writers of the grimly pathetic school who cultivate sympathy to the detriment of comprehension. He does equal justice — joyous justice — to all brighter accidents, — to everything in experience which helps to keep it within the pale of legend. Two of the sportsman's reminiscences are inexpressibly charming, — the chapter in which he spends a warm summer night lying on the grass listening to the small boys who are sent out to watch the horses at pasture, as they sit chattering to each other of hobgoblins and fairies; and the truly beautiful description of a singing-match in a village ale-house, between two ragged serfs. The latter is simply a perfect poem. Very different, but in its way as characteristic, is the story of "A Russian Hamlet," — a poor gentleman whom

the sportsman, staying overnight at a fine house where he has been dining, finds assigned to him as room-mate, and who, lying in bed and staring at him grotesquely over the clothes, relates his lugubrious history. This sketch, more than its companions, strikes the deep moral note which was to reverberate through the author's novels.

The story of "Rudin," which followed soon after, is perhaps the most striking example of his preference for a theme which takes its starting-point in character, — if need be, in morbid character. We have had no recent opportunity to refresh our memory of the tale, but we have not forgotten the fine quality of its interest, — its air of psychological truth, unencumbered with the usual psychological apparatus. The theme is one which would mean little enough to a coarse imagination, — the exhibition of a character peculiarly unrounded, unmoulded, unfinished, inapt for the regular romantic attitudes. Dmitri Rudin is a moral failure, like many of the author's heroes, — one of those fatally complex natures who cost their friends so many pleasures and pains; who might, and yet, evidently, might not, do great things; natures strong in impulse, in talk, in responsive emotion, but weak in will, in action, in the power to feel and do singly. Madame Sand's "Horace" is a broad, free study of this type of person, always so interesting to imaginative and so intolerable to rational people; M. Turgéniew's hero is an elaborate miniature-portrait. Without reading Rudin we should not know just how fine a point he can give to his pencil. But M. Turgéniew, with his incisive psychology, like Madame Sand, with her expansive synthesis, might often be a vain demonstrator and a very dull novelist, if he were not so constantly careful to be a dramatist. Everything, with him, takes the dramatic form; he is apparently unable to conceive of anything out of it, he has no recognition of unembodied ideas; an idea, with him, is such and such an individual, with such and such a nose and chin, such and such a hat and waistcoat, bearing the same relation to it as the look of a printed word does to its meaning. Abstract possibilities immediately become, to his vision, concrete situations, as elaborately defined and localized as an interior by Meissonier. In this way, as we read, we are always looking and listening;

and we seem, indeed, at moments, for want of a running thread of explanation, to see rather more than we understand.

It is, however, in "*Hélène*" that the author's closely mingled realism and idealism have obtained their greatest triumph. The tale is at once a homely chronicle and a miniature epic. The scene, the figures, are as present to us as if we saw them ordered and moving on a lamp-lit stage; and yet, as we recall it, the drama seems all pervaded and colored by the light of the moral world. There are many things in "*Hélène*," and it is difficult to speak of them in order. It is both so simple and so various, it proceeds with such an earnest tread to its dark termination, and yet it entertains and beguiles us so unceasingly as it goes, that we lose sight of its simple beauty in its confounding, entrancing reality. But we prize it, as we prize all the very best things, according to our meditative after-sense of it. Then we see its lovely unity, melting its brilliant parts into a single harmonious tone. The story is all in the portrait of the heroine, who is a heroine in the literal sense of the word; a young girl of a will so calmly ardent and intense that she needs nothing but opportunity to become one of the figures about whom admiring legend clusters. She is a really elevated conception; and if, as we shall complain, there is bitterness in M. Turgéniew's imagination, there is certainly sweetness as well. It is striking that most of his flights of fancy are in his conceptions of women. With them only, occasionally, does he wholly forswear his irony, and become frankly sympathetic. We hope it is not false ethnology to suppose that this is a sign of something, potentially at least, very fine in the character of his country-women. As fine a poet as you will would hardly have devised a Maria Alexandrowna (in "*A Correspondence*"), an *Hélène*, a Lisa, a Tatiana, an Irene even, without having known some very admirable women. These ladies have a marked family likeness, an exquisite something in common which we may perhaps best designate as an absence of frivolous passion. They are addicted to none of those *chatteries* which French romancers consider the "adorable" thing in women. The baleful beauty, in "*Smoke*," who robs Tatiana of her lover, acts in obedience to an impulse deeper than vulgar coquetry. And yet these fair Muscovites have a

spontaneity, an independence, quite akin to the English ideal of maiden loveliness. Directly, superficially, they only half please. They puzzle us almost too much to charm, and we fully measure their beauty only when they are called upon to act. Then the author imagines them doing the most touching, the most inspiring things.

Hélène's loveliness is all in unswerving action. She passes before us toward her mysterious end with the swift, keen movement of a feathered arrow. She finds her opportunity, as we have called it, in her sympathy with a young Bulgarian patriot, who dreams of rescuing his country from Turkish tyranny; and she surrenders herself to his love and his project with an *abandon* which loses none of its poetry in M. Turgéniew's treatment. She is a supreme example of his taste for "original" young ladies. She would certainly be pronounced *queer* in most quiet circles. She has, indeed, a fascinating oddity of outline; and we never lose a vague sense that the author is presenting her to us with a charmed expectancy of his own, as a travelled friend would show us some quaintly feathered bird, brought from beyond the seas, but whose note he had not yet heard. To appreciate Hélène's oddity, you must read of the orthodoxy of the people who surround her. All about the central episode the story fades away into illimitable irony, as if the author wished to prove that, compared with the deadly seriousness of Hélène and Inssarow, everything else is indeed a mere playing at life. We move among the minor episodes in a kind of atmosphere of sarcasm: now kindly, as where Berseniew and Schubin are dealt with; now unsparingly comical, as in the case of her foolish parents and their tardy bewilderment, — that of loquacious domestic fowls who find themselves responsible for the hatching of an eagle. The whole story is charged with lurking meanings, and to retail them would be as elaborate a task as picking threads out of a piece of fine tapestry. What is Mademoiselle Zoe, for instance, the little German *dame de compagnie*, but a humorous sidelight upon Hélène's intensity, — Mademoiselle Zoe, with the pretty shoulders, and her presence in the universe a sort of mere general rustle of muslin, accompanied, perhaps, by a faint toilet-perfume? There is nothing

finer in all Turgéniew than the whole matter of Berseniew's and Schubin's relation to Hélène. They, too, in their vivid reality, have a symbolic value, as they stand watching the woman they equally love whirled away from them in a current swifter than any force of their own. Schubin, the young sculptor, with his moods and his theories, his exaltations and depressions, his endless talk and his disjointed action, is a deeply ingenious image of the artistic temperament. Yet, after all, he strikes the practical middle key, and solves the problem of life by the definite application of what he *can*. Berseniew, though a less fanciful, is, perhaps, at bottom, a still more poetical figure. He is condemned to inaction, not by his intellectual fastidiousness, but by a conscious, intelligent, intellectual mediocrity, by the dogged loyalty of his judgment. There is something in his history more touching than even in that of Hélène and Inssarow. These two, and Schubin as well, have their consolations. If they are born to suffering, they are born also to rapture. They stand at the open door of passion, and they can sometimes forget. But poor Berseniew, wherever he turns, meets conscience with uplifted finger, saying to him that though Homer may sometimes nod, the sane man never misreasons, and the wise man assents to no mood that is not a working mood. He has not even the satisfaction of lodging a complaint against fate. He is by no means sure that he has one; and when he finds that his love is vain, he translates it into friendship with a patient zeal capable almost of convincing his own soul that it is not a renunciation, but a consummation. Berseniew, Schubin, Zoe, Uwar Iwanowitsch, the indigent house-friend, with his placid depths of unuttered commentary, the pompous egotist of a father, the feeble egotist of a mother, — these people thoroughly animate the little world which surrounds the central couple; and if we wonder how it is that from half a dozen figures we get such a sense of the world's presence and complexity, we perceive the great sagacity of the choice of the types.

We should premise, in speaking of "A Nest of Noblemen" (the English translation bears; we believe, the simple title of "Lisa"), that of the two novels it was the earlier published. It dates from 1858; "Hélène," from 1859. The theme is an

unhappy marriage and an unhappy love. Fedor Iwanowitsch Lawretzky marries a pretty young woman, and after three years of confident bliss finds himself grossly deceived. He separates from his wife, returns from Paris, where his eyes have been unsealed, to Russia, and, in the course of time, retires to his patrimonial estates. Here, after the pain of his wound has ached itself away and the health and strength of life's prime have reaffirmed themselves, he encounters a young girl whom he comes at last to love with the double force of a tender heart that longs to redeem itself from bitterness. He receives news of his wife's death, and immediately presumes upon his freedom to express his passion. The young girl listens, responds, and for a few brief days they are happy. But the report of Madame Lawretzky's death has been, as the newspapers say, premature; she suddenly reappears to remind her husband of his bondage, and to convict Lisa almost of guilt. The pathetic force of the story lies, naturally, in its taking place in a country unfurnished with the modern facilities for divorce. Lisa and Lawretzky of course must part. Madame Lawretzky lives and blooms. Lisa goes into a convent, and her lover, defrauded of happiness, determines at least to try and be useful. He ploughs his fields and instructs his serfs. After the lapse of years he obtains entrance into her convent, and catches a glimpse of her as she passes behind a grating, on her way across the chapel. She knows of his presence, but she does not even look at him; the trembling of her downcast lids alone betrays her sense of it. "What must they both have thought, have felt?" asks the author. "Who can know? who can say? There are moments in life, there are feelings, on which we can only cast a glance without stopping." With an unanswered question his story characteristically closes. The husband, the wife, and the lover, — the wife, the husband, and the woman loved, — these are combinations in which modern fiction has been prolific; but M. Turgéniew's treatment renews the youth of the well-worn fable. He has found its moral interest, if we may make the distinction, deeper than its sentimental one; a pair of lovers accepting adversity seem to him more eloquent than a pair of lovers grasping at happiness. The moral of his tale, as we are free

to gather it, is that there is no effective plotting for happiness, that we must take what we can get, that adversity is a capable mill-stream, and that our ingenuity must go toward making it grind our corn. Certain it is that there is something very exquisite in Lawretzky's history, and that M. Turgéniew has drawn from a theme associated with all manner of uncleanness a story embalmed in a lovely aroma of purity. This purity, indeed, is but a pervasive emanation from the character of Lisaweta Michailowna. American readers of Turgéniew have been struck with certain points of resemblance between American and Russian life. The resemblance is generally superficial; but it does not seem to us altogether fanciful to say that Russian young girls, as represented by Lisa, Tatiana, Maria Alexandrowna, have to our sense a touch of the faintly acrid perfume of the New England temperament, — a hint of Puritan angularity. It is the women and young girls in our author's tales who mainly represent strength of will, — the power to resist, to wait, to attain. Lisa represents it in all that heroic intensity which says so much more to M. Turgéniew's imagination than feline grace. The character conspicuous in the same tale for feline grace — Warwara Pawlowna, Lawretzky's heartless wife — is conspicuous also for her moral flimsiness. In the integrity of Lisa, of Hélène, even of the more dimly shadowed Maria Alexandrowna, — a sort of finer distillation, as it seems, of masculine honor, — there is something almost formidable: the strongest men are less positive in their strength. In the keenly pathetic scene in which Marfa Timofiewna (the most delightful of the elderly maiden aunts of fiction) comes to Lisa in her room and implores her to renounce her project of entering a convent, we feel that there are depths of purpose in the young girl's deferential sweetness which nothing in the world can overcome. She is intensely religious, as she ought to be for psychological truth, and nothing could more effectually disconnect her from the usual *ingénue* of romance than our sense of the naturalness of her religious life. Her love for Lawretzky is a passion in its essence half renunciation. The first use she makes of the influence with him which his own love gives her is to try and reconcile him with his wife; and her foremost feeling, on learning that

the latter is not dead, as they had believed, is an irremissible sense of pollution. The dusky antique consciousness of sin in this tender, virginal soul is a combination which we seem somehow to praise amiss in calling it picturesque, but which it would be still more inexact to call didactic. Lisa is altogether a most remarkable portrait, and one that readers of the heroine's own sex ought to contemplate with some complacency. They have been known to complain on the one hand that romancers abuse them, and on the other that they insufferably patronize them. Here is a picture drawn with all the tenderness of a lover, and yet with an indefinable, an almost unprecedented, *respect*. In this tale, as always with our author, the drama is quite uncommented; the poet never plays chorus; situations speak for themselves. When Lawretzky reads in the *chronique* of a French newspaper that his wife is dead, there is no description of his feelings, no portrayal of his mental attitude. The living, moving narrative has so effectually put us in the way of feeling with him, that we can be depended upon. He had been reading in bed before going to sleep, had taken up the paper and discovered the momentous paragraph. He "threw himself into his clothes," the author simply says, "went out into the garden, and walked up and down till morning in the same alley." We close the book for a moment and pause, with a sense of personal excitement. But of M. Turgéniew's genius for infusing a rich suggestiveness into common forms, the character of Gottlieb Lemm, the melancholy German music-master, is a perhaps surpassing example. Never was homely truth more poetical; never was poetry more minutely veracious.

Lawretzky, sorely tried as he is, is perhaps the happiest of our author's heroes. He suffers great pain, but he has not the intolerable sense of having inflicted it on others. This is the lot, both of the hero of "Smoke" and of the fatally passive youth whose adventures we follow in the author's latest work. On "Smoke" we are unable to linger, as its theme is almost identical with that of "Spring-Torrents," and the latter will be a novelty to a greater number of our readers. "Smoke," with its powerful and painful interest, lacks, to our mind, the underlying sweetness of most of its companions. It has all their

talent, but it has less of their spirit. It treats of a dangerous beauty who robs the loveliest girl in Russia of her plighted lover, and the story duly absorbs us; but we find that, for our own part, there is always a certain languor in our intellectual acceptance of the grand coquettes of fiction. It is obviously a hard picture to paint; we always seem to see the lady pushing about her train before the foot-lights, or glancing at the orchestra stalls during her victim's agony. In the portrait of Irene, however, there are very fine intentions, and the reader is charmed forward very much as poor Litwinof was. The figure of Tatiana, however, is full of the wholesome perfume of nature. "Smoke" was preceded by "Fathers and Sons," which dates from ten years ago, and was the first of M. Turgéniew's tales to be translated in America. In none of them is the subject of wider scope or capable of having more of the author's insidious melancholy expressed from it; for the figures with which he has filled his foreground are, with their personal interests and adventures, but the symbols of the shadowy forces which are fighting forever a larger battle, — the battle of the old and the new, the past and the future, the ideas that arrive with the ideas that linger. Half the tragedies in human history are born of this conflict; and in all that poets and philosophers tell us of it, the clearest fact is still its perpetual necessity. The opposing forces in M. Turgéniew's novel are an elder and a younger generation; the drama can indeed never have a more poignant interest than when we see the young world, as it grows to a sense of its strength and its desires, turning to smite the old world which has brought it forth with a mother's tears and a mother's hopes. The young world, in "Fathers and Sons," is the fiercer combatant; and the old world in fact is simply forever the *victa causa*, which even stoics pity. And yet with M. Turgéniew, characteristically, the gaining cause itself is purely relative, and victors and vanquished are commingled in a common assent to fate. Here, as always, his rare discretion serves him, and rescues him from the danger of exaggerating his representative types. Few figures in his pages are more intelligibly human than Pawel Petrowitsch and Eugene Bazarow, — human each of them in his indefeasible weakness, the one in spite of his small allow-

ances, the other in spite of his brutal claims. In Kirsanow (the farmer) the author has imaged certain things he instinctively values, — the hundred fading traditions of which the now vulgarized idea of the “gentleman” is the epitome. He loves him, of course, as a romancer must, but he has done the most impartial justice to the ridiculous aspect of his position. Bazarow is a so-called “nihilist,” — a red-handed radical, fresh from the shambles of criticism, with Büchner’s *Stoff und Kraft* as a text-book, and everything in nature and history for his prey. He is young, strong, and clever, and strides about, rejoicing in his scepticism, sparing nothing, human or divine, and proposing to have demolished the universe before he runs his course. But he finds there is something stronger, cleverer, longer-lived than himself, and that death is a fiercer nihilist than even Büchner. The tale traces the course of the summer vacation, which he comes to spend in the country with a college friend, and is chiefly occupied with the record of the various trials to which, in this short period, experience subjects his philosophy. They all foreshadow, of course, the supreme dramatic test. He falls in love, and tries to deny his love as he denies everything else, but the best he can do is only to express it in a coarse formula. M. Turgéniew is always fond of contrasts, and he has not failed to give Bazarow a foil in his young comrade, Arcadi Kirsanow, who represents the merely impermanent and imitative element which clings to the skirts of every great movement. Bazarow is silenced by death, but it takes a very small dose of life to silence Arcadi. The latter belongs to the nobility, and Bazarow’s exploits in his tranquil, conventional home are those of a lusty young bull in a cabinet of *rococo china*. Exquisitely imagined is the whole attitude and demeanor of Pawel Petrowitsch, Arcadi’s uncle, and a peculiarly happy invention the duel which this perfumed conservative considers it his manifest duty to fight in behalf of gentlemanly ideas. The deeper interest of the tale, however, begins when the young Büchnerite repairs to his own provincial home, and turns to a pinch of dust the tender superstitions of the poor old parental couple who live only in their pride in their great learned son, and have not even a genteel prejudice, of any consequence, to oppose to his terrible posi-

tivism. M. Turgéniew has written nothing finer than this last half of his story ; every touch is masterly, every detail is eloquent. In Wassili Iwanowitsch and Arina Wlassiewna he has shown us the sentient heart which still may throb in disguised forms and not be too proud to subsist awhile yet by the charity of science. Their timid devotion to their son, their roundabout caresses, their longings and hopes and fears, and their deeply pathetic stupefaction when it begins to be plain that the world can spare him, all form a picture which, in spite of its dealing with small things in a small style, carries us to the uttermost limits of the tragical. A very noticeable stroke of art, also, is Bazarow's ever-growing discontentment, — a chronic moral irritation, provoked not by the pangs of an old-fashioned conscience, but, naturally enough, by the absence of the agreeable in a world which he has subjected to such exhaustive disintegration. We especially recommend to the reader his long talk with Arcadi as they lie on the grass in the midsummer shade, and Bazarow kicks out viciously at everything propounded by his more ingenuous companion. Toward him too he feels vicious, and we quite understand the impulse, identical with that which in a nervous woman would find expression in a fit of hysterics, through which the overwrought young rationalist, turning to Arcadi with an alarming appearance of real *gusto*, proposes to fight with him, "to the extinction of animal heat." We must find room for the portrait of Arina Wlassiewna : —

She "was a real type of the small Russian gentry of the old *régime* ; she ought to have come into the world two hundred years sooner, in the time of the grand-dukes of Moscow. Easily impressed, deeply pious, she believed in all signs and tokens, divinations, sorceries, dreams ; she believed in the *Iourodivi* [half-witted persons, popularly held sacred], in familiar spirits, in those of the woods, in evil meetings, in the evil eye, in popular cures, in the virtue of salt placed upon the altar on Good Friday ; in the impending end of the world ; she believed that if the tapers at the midnight mass in Lent do not go out, the crop of buckwheat will be good, and that mushrooms cease to grow as soon as human eye has rested on them ; she believed that the Devil likes places where there is water, and that all Jews have a blood-spot on their chests ; she was afraid of mice, snakes, toads, sparrows, leeches, thunder, cold water, draughts of air, horses,

goats, red-haired men, and black cats, and considered crickets and dogs as impure creatures ; she ate neither veal, nor pigeons, nor lobsters, nor cheese, nor asparagus, nor hare, nor watermelon (because a melon opened resembled the dissevered head of John the Baptist), and the mere idea of oysters, which she did not know even by sight, caused her to shudder ; she liked to eat well, and fasted rigorously ; she slept ten hours a day, and never went to bed at all if Wassili Iwanowitsch complained of a headache. The only book which she had read was called 'Alexis, or The Cottage in the Forest' ; she wrote at most one or two letters a year, and was an excellent judge of sweetmeats and preserves, though she put her own hand to nothing, and, as a general thing, preferred not to move. . . . She was anxious, was perpetually expecting some great misfortune, and began to cry as soon as she remembered anything sad. Women of this kind are beginning to be rare ; God knows whether we should be glad of it."

The novel which we have chosen as the text of these remarks was published a couple of years since. It strikes us at first as a *réchauffé* of old material, the subject being identical with that of "Smoke," and very similar to that of the short masterpiece called "A Correspondence." The subject is one of the saddest in the world, and we shall have to reproach M. Turgéniew with delighting in sadness. But "Spring-Torrents" has a narrative charm which sweetens its bitter waters, and we may add that, from the writer's point of view, the theme does differ by several shades from that of the tales we have mentioned. These treat of the fatal weakness of will, which M. Turgéniew apparently considers the peculiar vice of the new generation in Russia ; "Spring-Torrents" illustrates, more generally, the element of folly which mingles, in a certain measure, in all youthful spontaneity, and makes us grow to wisdom by the infliction of suffering. The youthful folly of Dmitri Ssanin has been great, the memory of it haunts him for years, and lays on him at last such an icy grip that his heart will break unless he can repair it. The opening sentences of the story indicate the key in which it is pitched. We may quote them as an example of the way in which M. Turgéniew almost invariably appeals at the outset to our distinctively *moral* curiosity, our sympathy with character. Something tells us, in this opening strain, that we are not invited to

lend ear to the mere dead rattle which rises forever from the surface of life: —

“ Toward two o'clock at night, he came back into his sitting-room. The servant who had lighted the candles he sent away, threw himself into a chair by the chimney-piece, and covered his face with his hands. Never had he felt such a weariness of body and soul. He had been spending the whole evening with graceful women, with cultivated men; some of the women were pretty, almost all the men were distinguished for wit and talent; he himself had talked with good effect, even brilliantly, and yet, with all this, never had that *tedium vitæ*, of which the Romans already speak, that sense of disgust with life, pressed upon him and taken possession of him in such an irresistible fashion. Had he been somewhat younger, he would have wept for sadness, for *ennui*, and overwrought nerves: a corroding, burning bitterness, like the bitterness of wormwood, filled his whole soul. Something irrefragable — cold, sickening, oppressive — crowded in upon him from all sides like autumn dusk, and he knew not how he could free himself from this duskiness and bitterness. He could not count upon sleep; he knew he should not sleep. He began to muse, — slowly, sadly, bitterly. He thought of the vanity, the uselessness, the common falsity, of the whole human race. He shook his head, sprang up from his seat, walked several times up and down the room, sat down at his writing-table, pulled out one drawer after the other, and began to fumble among old papers, mostly letters in a woman's hand. He knew not why he did it, — he was looking for nothing, — he simply wished to seek refuge in an outward occupation from the thoughts that tormented him. He got up, went back to the fireplace, sank into his chair again, and covered his face with his hands. ‘Why to-day, just to-day?’ he thought; and many a memory from the long-vanished past rose up in him. He remembered — this is what he remembered.”

On his way back to Russia from a foreign tour he meets, at Frankfort, a young girl of modest origin but extraordinary beauty, — the daughter of an Italian confectioner. Accident brings them together, he falls in love with her, holds himself ardently ready to marry her, obtains her mother's consent, and has only, to make the marriage possible, to raise money on his Russian property, which is of moderate value. While he is revolving schemes he encounters an old school-fellow, an odd personage, now married to an heiress who, as fortune has

it, possesses an estate in the neighborhood of Ssanin's own. It occurs to the latter that Madame Polosow may be induced to buy his land, and, as she understands "business" and manages her own affairs, he repairs to Wiesbaden, with leave obtained from his betrothed, to make his proposal. The reader of course foresees the sequel,—the reader, especially, who is practised in Turgéniew. Madame Polosow understands business and much else beside. She is young, lovely, unscrupulous, dangerous, fatal. Ssanin succumbs to the spell, forgets honor, duty, tenderness, prudence, everything, and after three days of bewildered resistance finds himself packed into the lady's travelling-carriage with her other belongings, and rolling toward Paris. But we foresee that he comes speedily to his senses; the spring torrent is spent. The years that follow are as arid as brooding penitence can make them. Penitence, after that night of bitter memories, takes an active shape. He makes a pilgrimage to Frankfort, and seeks for some trace of the poor girl he had deserted. With much trouble he obtains tidings, and learns that she is married in America; that she is happy, and that she serenely forgives him. He returns to St. Petersburg, spends there a short, restless interval, and suddenly disappears. People say he has gone to America. The spring torrents exhale themselves in autumn mists. Ssanin, in the Frankfort episode, is not only very young, but very Russian; how young, how Russian, this charming description tells:—

"He was, to begin with, a really very good-looking fellow. He had a tall, slender figure, agreeable, rather vague features, kindly blue eyes, a fair complexion, suffused with a fresh red, and, above all, that genial, joyous, confiding, upright expression, which at the first glance, perhaps, seems to give an air of limitation, but by which, in former times, you recognized the son of a tranquil aristocratic family,—a son of the "fathers," a good country gentleman born and grown up, stoutly, in those fruitful provinces of ours which border on the steppe; then, a somewhat shuffling gait, a slightly hissing way of speaking, a childlike laugh, as soon as any one looked at him, ... health, in short, freshness and a softness,—a softness! there you have all Ssanin. Along with this he was by no means dull, and had learnt a good many things. He had remained fresh in spite of

his journey abroad ; those tumultuous impulses which imposed themselves upon the best part of the young men of that day were little known to him."

If we place beside this vivid portrait the sketch, hardly less expressive, of Madame Polosow, we find in the mere apposition the germ of a novel : —

"Not that she was a perfect beauty ; the traces of her plebeian origin were perceptible enough. Her forehead was low, her nose rather thick and inclining to an upward inflection ; she could boast neither of a fine skin nor of pretty hands and feet. But what did all this signify ? Not before the 'sanctity of beauty' — to use Puschkin's words — would he who met her have stood lingering, but before the charm of the powerful half-Russian, half-Bohemian, blooming, womanly body, — and he would not have lingered involuntarily !"

Madame Polosow, though her exploits are related in a short sixty-five pages, is unfolded in the large dramatic manner. We seem to be in her presence, to listen to her provoking, bewildering talk, to feel the danger of her audacious, conscious frankness. Her quite peculiar cruelty and depravity make a large demand on our credulity ; she is perhaps a trifle too picturesquely vicious. But she is strangely, vividly natural, and our imagination goes with her in the same charmed mood as with M. Turgéniew's other evil-doers. Not without an effort, too, do we accept the possibility of Ssanin's immediate infidelity to the object of the pure still passion with which his heart even yet overflows. But these are wonderful mysteries ; its immediacy, perhaps, best accounts for it ; spring torrents, the author would seem to intimate, *must* flow, and ravage their blooming channels. To give a picture of the immeasurable blindness of youth, of its eagerness of desire, its freshness of impression, its mingled rawness and ripeness, the swarming, shifting possibilities of its springtime, and to interfuse his picture with something of the softening poetizing harmony of retrospect, — this has been but half the author's purpose. He has designed beside to paint the natural conflict between soul and sense, and to make the struggle less complex than the one he has described in "Smoke," and less brutal, as it were, than the fatal victory of sense in "A Correspondence." "When

will it all come to an end?" Ssanin asks, as he stares helpless at Maria Nikolaiewna, and feels himself ignobly paralyzed. "Weak men," says the author, "never themselves make an end,—they always wait for the end." Ssanin's history is charged with the moral that salvation lies in being able, at a given moment, to bring one's *will* down like a hammer. If M. Turgéniew pays his tribute to the magic of sense, he leaves us also eloquently reminded that soul in the long run claims her own. He has given us no sweeter image of uncorrupting passion than this figure of Gemma, the frank, young Italian nature blooming in northern air from its own mere wealth of joyousness. Yet, charming as Gemma is, she is but a half-sister of Lisa and Tatiana. Neither Lisa nor Tatiana, we suspect, would have read popular comedy with her enchanting mimicry; but, on the other hand, they would have been withheld by a delicate, indefinable conscientiousness from caricaturing the dismissed lover of the day before for the entertainment of the accepted lover of the present. But Gemma is a charming piece of coloring, and all this only proves how many different ways there are of being the loveliest girl in the world. The accessories of her portrait are as happily rendered; the whole picture of the little Italian household, with its narrow backshop life in the German town, has a mellow enclosed light in which the reader gratefully lingers. It touches the figure of the usual half-fantastic house-friend, the poor old ex-barytone Pantaleone Cippatola, into the most vivacious relief.

III. — We always desire more information about the writers who greatly interest us than we find in their works, and many American readers have probably a friendly curiosity as to the private personality of M. Turgéniew. We are reduced, however, to regretting our own meagre knowledge. We gather from his writings that our author is much of a cosmopolitan, a dweller in many cities, and a frequenter of many societies, and, along with this, an indefinable sense of his being of a so-called "aristocratic" temperament; so that if a man's genius were visible to the eye, like his fleshly integument, that of M. Turgéniew would be observed to have, say, very shapely hands and feet, and a nose expressive of the patrician graces.

A friend of ours, indeed, who has rather an irresponsible fancy, assures us that the author of "Smoke" (which he considers his masterpiece) is, personally, simply his own Pawel Kirsanow. Twenty to one our friend is quite wrong; but we may nevertheless say that, to readers disposed now and then to risk a conjecture, much of the charm of M. Turgéniew's manner resides in this impalpable union of an aristocratic temperament with a democratic intellect. To his inquisitive intellect we owe the various, abundant, human substance of his tales, and to his fastidious temperament their exquisite form. But we must not meddle too freely with causes, when results themselves are so suggestive. The great question as to a poet or a novelist is, How does he feel about life? what, in the last analysis, is his philosophy? When vigorous writers have reached maturity, we are at liberty to gather from their works some expression of a total view of the world they have been so actively observing. This is the most interesting thing their works offer us. Details are interesting in proportion as they contribute to make it clear.

The foremost impression of M. Turgéniew's reader is that he is morbidly serious, that he takes life terribly hard. We move in an atmosphere of unrelieved sadness. We go from one tale to the other in the hope of finding something cheerful, but we only wander into fresh agglomerations of gloom. We try the shorter stories, with a hope of chancing upon something pitched in the traditional key of "light reading," but they strike us alike as so many ingenious condensations of melancholy. "A Village Lear" is worse than "The Ant-char"; "The Forsaken" is hardly an improvement on "A Correspondence"; "The Journal of a Superfluous Man" does little to lay the haunting ghost of "Three Portraits." The author has written several short dramas. Appealing to them to beguile us of our dusky vapors, we find the concentrated tragedy of "The Bread of Charity," and, by way of an after-piece, the lugubrious humor of "The Division." Sad beginnings, worse endings, good people ineffably wretched, happy ones hugely ridiculous, disappointment, despair, madness, suicide, degrading passions, and blighted hopes,—these seem, on first acquaintance, the chief ingredients of M. Turgéniew's version of

the human drama ; and to deepen our sense of its bitterness, we discover the author in the background winding up his dismal demonstration with a chuckle. We set him down forthwith as a cold-blooded pessimist, caring for nothing in life but its misery, and for nothing in misery but its picturesqueness, — its capacity for furnishing cynical epigrams. What is each of the short tales we have mentioned, we ask, but a ruthless epigram, in the dramatic form, upon human happiness ? Ewlampia Charlow, in “ A Village Lear,” drives her father to madness and death by her stony depravity, and then joins a set of religious fanatics, among whom she plays a great part as the “ Holy Mother of God.” In “ The Bread of Charity,” a young heiress brings home to her estates her newly wedded husband, and introduces him to her old neighbors. They dine with him, and one of them, an officious coxcomb, conceives the brilliant idea of entertaining him by an exhibition of a poor old gentleman who has long been hanging about the place as a pensioner of the late parents of the young wife, and is remarkable for a dumb canine attachment to herself. He plies the modest old man with wine, winds him up, and makes him play the fool. But suddenly Kusowkin, through the fumes of his potations, perceives that he is being laughed at, and breaks out into a passionate assurance that, baited and buffeted as he is, he is nothing less than the father of the mistress of the house. She overhears his cry, and though he, horrified at his indiscretion, attempts to retract it, she wins from him a confession of the fact that he had been her mother’s lover. The husband, however, makes him swallow his words, and do public penance. He turns him out of the house with a small pension, and the curtain falls on the compliment offered this fine fellow by the meddlesome neighbor on his generosity: “ You are a true Russian gentleman !” The most perfectly epigrammatic of our author’s stories, however, is perhaps that polished little piece of misery, “ A Correspondence.” A young man, idle, discontented, and longing for better things, writes, for a pastime, to a young girl whom he has formerly slightly known and greatly esteemed, who has entertained an unsuspected and unrequited passion for him, and who lives obscurely in the country, among very common people. A correspondence

comes of it, in the course of which they exchange confidences and unburden their hearts. The young girl is most pitiable, most amiable, in her sadness, and her friend begins to suspect that she, at last, may give a meaning to his aimless life. She, on her side, is compassionately interested, and we see curiosity and hope throbbing timidly beneath the austere resignation to which she has schooled herself, and the expression of which, mingled with our sense of her blooming beauty of character, makes of Maria Alexandrowna the most nobly fascinating, perhaps, of our author's heroines. Alexis Petrovitch writes at last that he must see her, that he will come to her, that she is to expect him at such a date, and we imagine tenderly, in the unhastening current of her days, the gentle eddy of her expectation. Her next letter, after an interval, expresses surprise at his non-appearance; her next, several months later, is a last attempt to obtain news of him. The correspondence closes with his confession, written as he lies dying at Dresden. Just as he was starting to join her, he had encountered another woman, a dancing-girl at the opera, with whom he had fallen madly in love. She was low, stupid, heartless; she had nothing to recommend her to anything but his senses. It was ignoble, but so it was. His passion has led him such a life that his health is gone. He has brought on disease of the lungs by waiting for the young lady at the opera-door in the winter nights. Now his hours are numbered, and this is the end of all! And on this lugubrious note the story closes. We read with intent curiosity, for the tale is a masterpiece of narration; but we wonder, in some vexation, what it all means. Is it a piece of irony for irony's sake, or is it a disinterested picture of the struggle between base passion and pure passion? Why, in that case, should it seem a matter of course for the author that base passion should carry the day? Why, as for Rudin, for Ssanin, for the distracted hero of "Smoke," should circumstances also have been too many, as the phrase is, for poor Alexis Petrovitch? If we pursue our researches, in the hope of finding some method in this promiscuous misery, examples continue to seem more numerous than principles. The author continues everywhere to imply that there is something essentially ridiculous in human

nature, something indefeasibly vain in human effort. We are amazed as we go at the portentous number of his patent fools ; no novelist has drawn a tenth as many. The large majority of his people are the people we laugh at, and a large fraction of the remainder the people we half disgustedly pity. There is little room left, therefore, for the people we esteem, and yet room enough perhaps, considering that our very benevolence is tempered with scepticism. What with the vicious fools and the well-meaning fools, the prosperous charlatans and the grotesque nonentities, the dead failures and the sadder failures that regret and protest and rebel, the demoralized lovers and the jilted maidens, the dusky pall of fatality, in a word, suspended over all human things, it may be inferred that we are not invited to a particularly exhilarating spectacle. Not a single person in the novel of " Fathers and Sons " but has, in some degree, a lurking ironical meaning. Every one is a more or less ludicrous parody on what he ought to have been, or an ineffectual regret over what he might have been. The only person who compasses a reasonable share of happiness is Arcadi, and even his happiness is a thing for strenuous minds to smile at, — a happiness based on the *pot au feu*, the prospect of innumerable babies, and the sacrifice of " views." Arcadi's father is a vulgar failure ; Pawel Petrowitsch is a poetic failure ; Bazarow is a tragic failure ; Anna Sergheiewna misses happiness from an ungenerous fear of sacrificing her luxurious quietude ; the elder Bazarow and his wife seem a couple of ingeniously grotesque manikins, prepared by a melancholy *fantoccinista* to illustrate the mocking vanity of parental hopes. We lay down the book, and we repeat that, with all the charity in the world, it is impossible to pronounce M. Turgéniew anything better than a pessimist.

The judgment is just, but it needs qualifications, and it finds them in a larger look at the author's position. M. Turgéniew strikes us, as we have said, as a man disappointed, for good reasons or for poor ones, in the land which is dear to him. Harsh critics will say, for poor ones, reflecting that a fastidious imagination has not been unconcerned in his discontentment. To the old Muscovite virtues, and especially the old Muscovite *naïveté*, his imagination filially clings, but he finds these things,

especially in the face which his country turns to the outer world, melting more and more every day into the dimness of tradition. The Russians are clever, and clever people are ambitious. Those with whom M. Turgéniew has seen himself surrounded are consumed with the desire to pass for intellectual cosmopolites, to know, or to seem to know, everything that can be known, to be astoundingly modern and progressive and European. Madame Kukshin, the poor little literary lady with a red nose, in "*Fathers and Sons*," gives up George Sand as "nowhere" for her want of knowledge of embryology, and, when asked why she proposes to remove to Heidelberg, replies with, "Bunsen, you know." The fermentation of social change has thrown to the surface in Russia a deluge of hollow pretensions and vicious presumptions, amid which the love either of old virtues or of new achievements finds very little gratification. It is not simply that people flounder laughably in deeper waters than they can breast, but that in this discord of crude ambitions the integrity of character itself is compromised, and men and women make, morally, a very ugly appearance. The Russian colony at Baden-Baden, depicted in "*Smoke*," is a collection of more or less inflated profligates. Panschin, in "*A Nest of Noblemen*," is another example; Sitnikow, in "*Fathers and Sons*," a still more contemptible one. Driven back, depressed and embittered, into his imagination for the edification which the social spectacle immediately before him refuses him, and shaped by nature to take life hard and linger among its shadows, our observer surrenders himself with a certain reactionary, irresponsible gusto to a shaded portrayal of things. An imaginative preference for dusky subjects is a perfectly legitimate element of the artistic temperament; our own Hawthorne is a signal case of its being innocently exercised; innocently, because with that delightfully unconscious genius it remained imaginative, sportive, inconclusive, to the end. When external circumstances, however, contribute to confirm it, and reality lays her groaning stores of misery at its feet, it will take a rarely elastic genius altogether to elude the charge of being morbid. M. Turgéniew's pessimism seems to us of two sorts, — a spontaneous melancholy and a wanton melancholy. Sometimes, in a sad story, it is the problem, the ques-

tion, the idea, that strikes him; sometimes it is simply the picture. Under the first influences he has produced his masterpieces; we admit that they are intensely sad, but we consent to be moved, as we consent to sit silent in a death-chamber. In the other case he has done but his second best; we strike a bargain over our tears, and insist that when it comes to being simply entertained, wooing and wedding are better than death and burial. "The Antchar," "The Forsaken," "A Superfluous Man," "A Village Lear," "Toc . . . toc . . . toc," all seem to us to be gloomier by several shades than they need have been; for we hold to the good old belief that the presumption, in life, is in favor of the brighter side, and we deem it, in art, an indispensable condition of our interest in a depressed observer that he should have at least tried his best to be cheerful. The truth, we take it, lies for the pathetic in poetry and romance very much where it lies for the "immoral." Morbid pathos is reflective pathos, ingenious pathos, pathos not freshly born of the occasion; noxious immorality is superficial immorality, immorality without natural roots in the subject. We value most the "realists" who have an ideal of delicacy, and the elegiacs who have an ideal of joy.

"Picturesque gloom, possibly," a thick and thin admirer of M. Turgéniew may say to us, "at least you will admit that it is picturesque." This we heartily concede, and, recalled to a sense of our author's brilliant diversity and ingenuity, we bring our restrictions to a close. To the broadly generous side of his imagination it is impossible to pay exaggerated homage, or, indeed, for that matter, to its simple intensity and fecundity. No romancer has created a greater number of the figures that breathe and move and speak, in their habits, as they might have lived; none, on the whole, seems to us to have had such a masterly touch in portraiture, none has mingled so much ideal beauty with so much unsparing reality. His sadness has its element of errors, but it has also its larger element of wisdom. Life is, in fact, a battle. On this point optimists and pessimists agree. Evil is insolent and strong; beauty, enchanting but rare; goodness, very apt to be weak; folly, very apt to be defiant; wickedness, to carry the day; imbeciles to be in great places, people of sense in small; and mankind,

generally, unhappy. But the world, as it stands, is no illusion, no phantasm, no evil dream of a night; we wake up to it again for ever and ever; we can neither forget it, nor deny it, nor dispense with it. We can welcome experience as it comes, and give it what it demands in exchange for something which it is idle to pause to call much or little, so long as it contributes to swell the volume of consciousness. In this there is mingled pain and delight, but over the mysterious mixture there hovers a visible rule, which bids us learn to will and seek to understand. So much as this we seem to decipher between the lines of M. Turgéniew's minutely written chronicle. He himself has sought to understand as zealously as his most eminent competitors. He gives, at least, no meagre account of life, and he has done liberal justice to its infinite variety. This is his great merit; his great defect, roughly stated, is a tendency to the abuse of irony. He remains, nevertheless, to our sense, a very welcome mediator between the world and our curiosity. If we had space, we should like to set forth that he is by no means our ideal story-teller, — this honorable genius possessing, attributively, a rarer skill than the finest required for producing an artful *réchauffé* of the actual. But even for better romancers we must wait for a better world. Whether the world in its highest state of perfection will occasionally offer color to scandal, we hesitate to pronounce; but we are prone to conceive of the ultimate novelist as a personage altogether purged of sarcasm. The imaginative force now expended in this direction, he will devote to describing cities of gold and heavens of sapphire. But, for the present, we gratefully accept M. Turgéniew, and reflect that his manner suits the most moods of the most readers. If he were a dogmatic optimist, we suspect that, as things go, we should long ago have ceased to miss him from our library. The personal optimism of most of us no romancer can confirm or dissipate, and our personal troubles, generally, place fictions of all kinds in an impertinent light. To our usual working mood the world is apt to seem M. Turgéniew's hard world, and when, at moments, the strain and the pressure deepen, the ironical element figures not a little in our form of address to those short-sighted friends who have whispered that it is an easy one.

HENRY JAMES, JR.

- ART. V.—1. *The Life of Timothy Pickering.* By his Son, OCTAVIUS PICKERING. Vol. I. Boston: Little, Brown, & Co. 1867. 8vo. pp. 549.
2. *The Life of Timothy Pickering.* By CHARLES W. UPHAM. Vols. II., III., and IV. Boston: Little, Brown, & Co. 1873. 8vo. pp. 509, 499, 512.

THE anniversary of the Declaration of Independence has been chosen, when the century of years shall have been filled, for the general commemoration of our nation's birth. The decade of years preceding that central day, and a period of nearly the same length following it, are thickly strewn with occasions for local or national observances associated with the memories of men or events which receive their historic significance from that greatest anniversary. In connection with the oratorical utterances or the summary and statistical reviews which will be brought, as literary contributions, to illustrate that occasion, there will doubtless be offered statements, more or less complete and exhaustive, of the amount and character of the tributary homage which up to this time has been paid to the great actors in field and council when this nation was called into life.

Holding in our hands the fourth volume of the "Life of Timothy Pickering," as we finish the perusal of the work, and without consulting any catalogue, but trusting only to our memory of what we have read, we hastily run through the series of historical and biographical works whose pages are devoted to the men and incidents of the Revolutionary epoch. Incidentally, too, we give a thought to the monumental structures and statues already completed or planned with the same intent.

Boston, New York, Baltimore, Richmond, and the national capital have something to show, but more yet in desire and intent, in the way of monuments and statues. Generally speaking, and especially as regards the national capital, it may be said that the chief reason why more of this commemorative work in marble and bronze has not been accomplished is not the poverty or niggardliness of the people or the treasury, but

rather the dissatisfaction, failure, or very moderate success connected with several of the well-meant attempts to that end. It will be easier now to engage the nation in a wholly new structural tribute to the Father of his Country than to induce it to complete the truncated chimney-stack which now mocks, not his memory, but the taste of its projectors. Congress has itself voted monuments — the case of General Greene being a conspicuous one — which have never been reared. The zeal and, in the aggregate, the enormous outlay in the erection of soldiers' monuments commemorative of the Civil War in so many Northern cities and villages have proved, we may hope, only a temporary withdrawal of interest from objects of an earlier patriotism, to be brought back to them again at our centennial.

The historical and biographical works for the illustration of our Revolutionary epoch are rich and voluminous. They are also wellnigh complete, and on the whole highly creditable as a body of national literature. One who reads the whole of them will indeed find in them large ingredients of favoritism, special pleading, one-sided and partisan relations; but such matters in the main admit of easy adjustment by a fair mind. Washington and Franklin, the two greatest of the host, found in Dr. Sparks the biographer whom we may readily suppose they would themselves have chosen for that source. John Adams and Alexander Hamilton, John Jay and General Greene, have been nobly dealt with by filial hands. Jefferson has had at his service Tucker, Randall, and Parton; the partisan and mythical elements, however, increasing and heightening to such a degree under their hands successively, that yet a fourth surveyor will inevitably be tempted to course the field. Madison, as he is presented in the uncompleted work of Mr. Reeves, is made to sustain a heavy burden of antagonistic championship by his biographer. The Life of Fisher Ames, by his son; that of Oliver Wolcott, by his grandson; that of Gouverneur Morris, by Sparks; that of General Schuyler, by Lossing; that of General Sullivan, and that of Governor Reed, by their respective grandsons; those of Lee, Sumpter, Morgan, and Marion, by the pens of admiring eulogists; and the pages of Bancroft, who has stirred a whole phalanx of grandsons into rebuttal and defiance of his judgments; — furnish abundant sup-

plementary and illustrative materials for our American library-shelves. Among the contributions which are yet to be desired to this extensive collection of volumes is the treatment by some able hand of the life and services and diplomatic work of Rufus King. His son, the President of Columbia College, New York, had charged himself with this trust, but died without accomplishing it. It is understood that the requisite papers are in safe keeping by a grandson in Pennsylvania.

The last addition made to this national library is in the volumes now in our hands, containing the life of Colonel Timothy Pickering. All regrets that the work has not been done before will yield to what we believe will be the unanimous satisfaction of readers, that it has now been done so well, that it was committed to the right hands, and has come from them with so fair a treatment. The eldest of the eight sons of Colonel Pickering, the late eminent John Pickering, President of the American Academy of Arts and Sciences, of very high rank as a lawyer, and the most distinguished scholar and linguist of our country, had purposed to prepare his father's biography. He had made but little progress towards it, beyond arranging a mass of voluminous papers, amid the varied cares and business occupations of his industrious life, when he died. The eighth, and last surviving son, the late Octavius Pickering, after doing distinguished service in the legal profession, took up the filial task where his brother had left it, and completed and published the first of these volumes in 1867. He died the next year. On the day before his decease he made provision for the completion of the work. Committing the valuable papers of his father to the custody and use of the Massachusetts Historical Society, after they should have been used for the purpose of a biography, he selected his friend and his father's friend, the Hon. Charles W. Upham, of Salem, for the honorable and responsible service of biographer. It was a most felicitous choice. Mr. Upham's father, Hon. Joshua Upham, a native of Brookfield, Mass., was a classmate and the chum of Colonel Pickering in Harvard College. While practising law in Boston and New York, as the rupture between England and her Colonies was ripening, he espoused the side of loyalty to the mother country. As we shall see, Colonel Pickering, though so ardent a patriot himself,

was wisely and sternly opposed to those severities and outrages which were visited upon men who, before actual hostilities began, hesitated and halted to commit themselves to a side, and were driven off by popular excitement, burning with a sense of wrong. At the close of the war most kindly letters passed between the old chums as Mr. Upham was about leaving the country, not from resentment, but for pecuniary reasons. He was afterwards Judge of the Superior Court and member of the Council of the Province of New Brunswick, and died in London, 1808. His son, our present author, born in St. John, unlike so many of the children of the exiled loyalists, came back hither with no inherited bitterness of spirit, and, in a crowded life of varied duties, trusts, and honors, has done many high services among us, crowning them with this his noble monument to his father's early friend.

In the closing years of Colonel Pickering's life Mr. Upham was the junior pastor of the First Church of Salem, of which the venerable patriot and statesman was a most devoted and consistent member. All Mr. Upham's tastes and instincts would prompt him to improve the opportunities which the intimate relations between a pastor and an honored parishioner offered in those halcyon days of a liberal and learned ministry in a leading New England town. The Colonel had a character and an experience to engage the interest of such a visitor and companion as he found in Mr. Upham, for he had a mastery of Scriptural lore, and had cleared his creed of the old Puritan rigidity, while he clung with a firm and happy faith to the liberal views which he had adopted. Seated in his pew directly under the pulpit, habitual and reverent in his attendance upon all ordinances, engaging in the singing of the congregation, — he had in his youth taught two church choirs, — and listening to sermons as one who in the course of the week might have occasion to discuss them with the preacher, the venerable man inspired a profound reverence in his young pastor. Mr. Upham draws a pleasing sketch of the Colonel, when more than fourscore years old, but hale and vigorous, he walked the streets to and from church, supporting on his arm his admirable and beloved wife, the partner of more than fifty-two years. It gives us a singular combination of tenderness and sternness.

"The side next to her, as she leaned on his arm, was all gentleness and courteous carefulness ; on the other side he was treading and gesticulating with athletic energy, and looked as though he was ready to meet a world in arms."

Making use of his rare privilege in domestic intercourse with the old patriot in full possession of his faculties, and having the whole history of our nation's birth and organic development in his memory, Mr. Upham became the repository of many narrations and confidences of which there is now probably no other living sharer. He attended the bedside of Pickering in his closing hours of pain, resignation, and hope ; officiated at his obsequies, and preached a commemorative sermon after his interment. Such relations might well have persuaded Mr. Upham to undertake the task committed to him. His own special qualifications for it, complete, and of the very best in character and aptitude, are abundantly attested by the method, style, and tone of the work. When compelled by ill health to resign his clerical office, with the full culture and training of a scholar, he devoted himself to historical studies and to biographical labors. Subsequently a member of the State Senate and of Congress, and taking an active part in questions of the largest public interest, Mr. Upham has secured a very high place and consideration for balance of mind, moderation, and equity of judgment. He has a perfect mastery of the field over and through which he has had to trace the career of the distinguished man whom he commemorates.

It is refreshing in these days to read pages which, like those of Mr. Upham, are written in pure, lucid, emphatic English. His style is felicitous, with well-formed periods and aptly chosen epithets. Of the dignity of his subject and of what its consistent treatment at his hands required, he has been habitually conscious. His task had many embarrassments and perplexities. He might easily have made his pages burn with sharp fires of acrimonious controversy. The partisan works which had the start of his own volumes, with the personal and public feuds which they have kept open and embittered, would have tempted most writers less discreet and generous to meet and discuss some of the provoking reflections offered in them,

and to match their championship of their own heroes by special pleading for one whom they misrepresent and depreciate. Such misconstructions, slanders, and imputations as Mr. Upham had necessarily to recognize, he has met with a calm and for the most part an exhaustive discussion, presenting the whole matter in an authentic form to the dispassionate judgment of the reader. In the special and most injurious aspersions upon the principles or conduct of Colonel Pickering which have had a traditional influence even down to our own day, to his discredit, Mr. Upham has found occasion to exercise his well-trained abilities in searching out the truth, and making it stand for itself, and for a man who was a lover and a disciple of it. At one point, however, he arrests his pen. There is a strata in our historical deposit of unsavory matter, a compost of flagrant and filthy pamphlets, letters, and uncertified though written traditions, which Mr. Upham declines to call back to the surface again.

The episodical discussions in which Mr. Upham indulges himself and instructs his readers, on subjects incidentally brought to notice in tracing the career of Colonel Pickering, are treated with masterly power. The first of these in order relates to the unwise and impolitic course pursued by the early champions of our liberty against those who held back from and discouraged violent measures in vindicating it. Crown officers and those who were selfishly interested in the thralldom of the Colonies were fairly objects of distrust and detestation. These Colonel Pickering did not spare, nor does Mr. Upham put in a plea on their behalf. But there were many of our own native-born citizens, professional men, men of honor, lovers of their country, slow and timid, no doubt, in many cases, who halted and remonstrated at the first outburst of popular violence. A large portion of these, if allowed to temporize, to overcome their caution, and to scan the horizon deliberately, would undoubtedly have fallen into the ranks of the patriots, or at least have acquiesced in the inevitable. But they were not allowed time. They were treated with an unsparing and indiscriminating severity, and were spoiled of their goods, insulted, and driven into exile. Colonel Pickering, even in the full glow of his own ardent patriotism, protested against this severity and

hurry of judgment. Mr. Upham argues the matter with candor and full assurance of his ground. He shows how in this way we drove our exiles into planting traditionally hostile provinces on our northern frontiers, with costly and mischievous results which may not yet have been fully realized. We have lately met with a good-natured but emphatic expression of feeling, just brought to light, from one of these loyal exiles. After the peace, he cheerfully acquiesced in the results, but could not repress the feeling which came with his remembrance of what he had personally suffered from the counsels and hands of men who at the time appeared to him to be rash and reckless demagogues. Benjamin Marston, a graduate of Harvard, and a prosperous merchant of Marblehead, was one of these halting, hesitating men. His fine house was sacked and rifled by a patriot "committee" in 1775, and he himself escaped with difficulty. As a poor and homeless exile in London, too poor to get home, after the peace, writing to his sister here, he says: —

"There is not remaining the least resentment in my mind to my country, because the party whose side I took in the late great Revolution did not succeed, for I am now fully convinced it is better for the world that they have not. It will proceed till all usurpation, all lording of one over many, both in spirituals and temporals, will be entirely wrought off and despumated, and man be left master of himself. I don't mean by this to pay any compliment to the first instigators of our American Revolution. Although it has eventually been of such advantage to mankind, I should as soon think of erecting monuments to Judas Iscariot, Pontius Pilate, and the Jewish Sanhedrim for betraying and crucifying the Lord of life, because that event was so importantly and universally beneficial."

Other themes which Mr. Upham makes the subject of interesting and instructive episodes are, the relations between Washington and Pickering, with a view to clear up the traditional misconstruction of the opinion or feeling of the latter towards his chief; the disturbances connected with the settlement of Wyoming; the manner of electing the President and Vice-President; the reception of Jay's treaty, and the resignation of Randolph; our complications with France and its ministers here, and the origin of our political parties. The documentary

materials which have been at the service of the biographer have been most voluminous and comprehensive. In the cabinet of the Massachusetts Historical Society the Pickering Papers are now represented by eighty-eight bound volumes of manuscript. These had been carefully arranged and calendered by the sons of Colonel Pickering. Besides these there are five volumes still in the possession of the family, — of which Mr. Upham had the free use, the contents of which are of a private and domestic character. Large masses of other papers contained in trunks and boxes have been examined, and a considerable portion of them relating to agricultural and local matters have found a fitting depository in Salem. From this wealth of material nothing has been lacking to enable the biographer to follow the whole career of Colonel Pickering in his private and public life, and to illustrate the most important incidents in it by papers from his own pen. He regarded home, family, and parental duties as standing highest among the obligations of a good man. So his correspondence, when he was separated from his home or when any one of his household was absent, was constant and filled with details. In the education of his children, eight sons and twin-daughters, he was most conscientiously concerned. By affinities and matrimonial alliances he was related to a large circle of distinguished and cultivated people. He knew well the importance of authentic records and documents for historical uses. His state papers stand for further use by those who seek to develop their secrets.

Timothy Pickering was of the yeomen stock from England that formed the settlement at Salem, Mass. His progenitor came with the first settlers there, and the family had become frugally independent by thrifty labor. He was born on July 17, 1745, new style, graduated at Harvard College in 1763, with a class containing many afterwards distinguished men, and died in Salem in 1829. For the whole period of sixty-five years preceding his death he held a succession of offices which called him to some form of public service; and for twenty-four of those years was absent from Salem while performing that service. It would seem as if there had been no instance in which any one of our citizens had had a longer or more varied

career in the exercise of so many different and arduous trusts. His own preference, manifesting itself in a strong natural inclination thereto, and in a recurrence to the pursuit whenever an interruption in office-holding permitted, and when the evening of a long life left him at full liberty to indulge it, was for the labors of a farm. His bodily vigor, love of nature and the open air, and ever-fresh enjoyment of the processes of growth in crops, and in the study and promotion of improved agricultural methods, made him a natural-born tiller of the soil, and one of the very earliest men among us to draw upon science for the advance of field industry and thrift.

But his opening manhood called him to other and more exacting tasks. Like Washington and Jefferson, who had the same strong agricultural inclinations, he had to yield them up. Pickering had not come of age before he began to fill a series of those elective offices which, in a prosperous and well-ordered community such as Salem and its neighborhood then was, required men who, to natural fitness and ability, were seen to add the weight of a substantial character.

While pursuing the study of the law he became an assistant to the Register of Deeds in his county, and, successively, a "Select-Man," Assessor, and Town Clerk of Salem. In 1774 he was elected Register of Deeds, on the death of the incumbent of the office. In the next year he was made a Justice of the Court of Common Pleas, and Judge of Admiralty, and in the year following a Representative to the General Court of the Province, advised by his constituents, "that if Congress shall declare the independence of the Colonies, we are ready to abide by the decision." Many occasions presented themselves in these early years of Pickering which prepared him for the work of his later life, and called out the manly and noble traits of his character. He had with the minister of his parish one of those devotional controversies so characteristic of New England, in the phases of the religious discussions which have been in progress there from the day of its first planting. He was a warm advocate of the practice of inoculation for small-pox, when that recourse was struggling for acceptance against the most rancorous opposition. In this championship he had to declare his views about duelling, when threatened with a challenge by Dr. Latham, an English quack.

Of more importance than his theological or medical zeal, as the early development of events proved, was his interest in the training of the militia in his town and district. It was evident to him that a rupture with the English government was imminent, and that the yeomen of the soil must stand for its defence and liberty. He devoted himself to the study of Tactics from all the scanty materials and with all the slender resources within his reach. He thus matured and published a "Plan of Discipline for a Militia," which was adopted by Massachusetts, and afterwards approved by Steuben. He himself drilled the militia in Salem and adjoining towns, and in 1775 was, by the officers of the First Regiment in Essex, elected colonel. Thus he received the title which has continued to be his designation, notwithstanding either of the military and political functions which he discharged afterwards might have furnished many higher.

His pen also was from the first called into use, as that of a leading Whig in Salem, to thwart the measures of the Tories. He was chosen by the town to hold an expostulatory interview with the royal governor, and was at the North Bridge at the famous expedition of Colonel Leslie. When tidings reached the town of the march of the British forces to Lexington and Concord, he did his utmost to get as many of his regiment as possible together, that he might intercept at Charlestown the return of the enemy to Boston. In the unscrupulous party warfare of a later period of his life, the most malicious aspersions were cast upon him for not having been at hand to effect this design. From these he was, of course, triumphantly cleared. He was the last man to be rightfully charged with cowardice or dilatoriness. At a council of general officers held at Cambridge after the battle at Lexington, while some were in favor of an immediate assault upon the British army in Boston, which would have been a rash folly, he advised an effort to obtain possession of the Castle in the harbor, which might possibly have been successful.

The Colonel next comes before us in a truly Cromwellian aspect. Washington, from New York, had called for troops, and Massachusetts, through its Legislature, had responded. The militia of Salem were assembled in the great double-

galleried meeting-house, December 5th, 1776, when Pickering, who usually led the music in the singing-seats, mounted the pulpit, and uttered from it, extempore, a ringing appeal for volunteers to re-enforce the patriotic army. He closed with these words: "In urging you, fellow-citizens and soldiers, to volunteer your services on this occasion, I have no thought of excusing myself; I will go with you, and partake of all the hardships, as well as dangers, of a winter campaign."

Then, leaving the pulpit, he marched round the aisles of the meeting-house, with beat of drum. Eighty-six of his townsmen, some of them gentlemen of the first character in the place, and many masters of vessels, at once fell in, exceeding the town's quota. He marched from Salem, December 24, with more than seven hundred men of his regiment, and with them performed the campaign in New York and New Jersey. The Colonel was thus brought into very intimate relations and frequent conference with Washington, who soon discerned in him the efficient and noble qualities which ever after drew to him the highest confidence, respect, and personal affection of the General and President. It was with great reluctance and diffidence, and after in vain proposing one whom he regarded as preferable for the place, that Pickering accepted from Washington, in May, 1777, the office of Adjutant-General. He was very near-sighted, and his entire dependence upon spectacles, disqualified him, as he thought, for many of the emergencies of the field. Becoming thus a member of Washington's military family, he resigned all his civil offices, and henceforth his place was at head-quarters, as the confidential companion, and often secretary, of the General. He always fearlessly exposed himself in the thick of danger in the successive campaigns. His deputy was mortally wounded at Germantown. The Colonel was scathless through the war, but he suffered all its other shocks and miseries.

When the Board of War was newly arranged by Congress, — it having first consisted of members of Congress, — Colonel Pickering was elected one of its three members, on November 7th, 1777. Early in the next year he was sent, with his colleagues, Generals Gates and Mifflin, to the camp of Washington, to advise with him in a reform of the army arrangements.

The arduous and perplexing cares committed to this Board, amid all the dilatory measures of the State and the general governments, and the intrigues and jealousies alike of political and military leaders, involved an amount of labor and anxiety to which only the strongest and best men were equal.

General Greene having succumbed under his burdens as Quartermaster-General, Congress, in the summer of 1780, elected Colonel Pickering to that office. He assumed it in August, at head-quarters. In this office he may be said to have done a giant's work. The depreciation of the paper-currency had reached its lowest mark, and while threatening an utter discomfiture to the national cause, it was working fatally in the commissariat of the army. Pickering, in his entire reconstruction of the department, insisted, first of all, that its business should be done on the basis of specie payments. This he made absolutely the condition of his assuming the office. Thus he checked and averted the impending disaster. The enormous amount of the business involved, and the complication of the accounts, kept him industriously engaged upon them after the end of the war. The office was terminated in July, 1785, and he yielded it with clean hands and an honorable record. His business papers may yet find needful uses. Thus he ended his ten years of military service.

Among the incidental contributions which came from his inventive and practical mind to the help of the great cause which he was advancing in so many ways, some two or three deserve especial mention. Privateering furnished some of the most efficient resources of our young and really poor country in its struggles, and greatly enriched many individuals whose pluck and skill were engaged in its risky but lucrative enterprises. The business, certainly in extent, was a new one. Many intricate questions of adjustment were involved in it, and the disposal to the best advantage of prizes and cargoes required the practical sagacity of a business-man. Colonel Pickering, as referee or agent, had much of this submitted to him, again drawing upon his judgment and integrity. His papers will furnish the richest and most abundant material to any one who should propose to investigate and work up the as yet unwritten history of privateering in the war of the Revolution.

Colonel Pickering proposed and superintended the construction and placing of the famous iron chain which was stretched across the Hudson at West Point, to obstruct the passage of British vessels. It was of more than sixty links, each about thirty inches long, made of bars about two inches square. The shrewd carefulness of the Colonel after the war, to obtain a fair price for the old iron, is characteristic of him, and yields a lesson for our own public officials.

Washington referred to the Colonel, after hostilities ceased, a request made to him by Congress for his views on a military establishment for times of peace. Pickering made a report on the subject very carefully prepared. In this he makes the first suggestion for a military academy at West Point.

After all these years of laborious and exacting service the physical strain of which alone could have been borne only by one who, like himself, had a vigorous constitution and lived by rigid rules of health and temperance, Colonel Pickering had received the means of but a bare subsistence, with no perquisites, no substantial pension, and but scant savings. Even his patrimony, a slender one, had been encroached upon, and he had been indebted to his elder brother, a bachelor, for the support and education of his oldest son. He shared in all the anxieties which ensued to his country at the close of the war, connected with the disbanding of the army, the delay of the British in surrendering the frontier posts, the doubt as to the payment of the public debts, the compensation of the officers, the inefficiency of the government and the measures for the formation of a new one. Local mutinies and insurrections marked the unsettled state of things, and gave tokens of what anarchy would realize among us unless wise heads, true hearts, and strong hands were brought to work with zeal and harmony. Feeling bound to engage his utmost efforts in some way that would enable him to support his enlarging family, Colonel Pickering determined to make a trial of mercantile business in Philadelphia, for his hostility to slavery made him resolute against a residence or an occupation in any place where he would have to depend upon that kind of property or labor.

He accordingly went into business with a partner, and with the promise of at least a moderate degree of success. His life

in Philadelphia was very pleasant, with delightful social resources and opportunities of influence, for his companionship and advice were sought by a very large circle of prominent persons who appreciated his sterling qualities of character. He took a most generous interest in advancing the cause of education, about which his views and plans indicated the highest sagacity and a practical skill which have not been improved upon by all our theorists and experts since his time. He also made his voice heard and of service in the plans offered for the disposal of the territory northwest of the Ohio, objecting to the proposed ordinance of Congress respecting it. He declined the offer of a commissionership about the lands in Virginia ceded to the United States.

But his business enterprise was not successful. Turning, therefore, to the strongest passion of his life, he resolved to purchase many broad acres in the wilderness, or in regions hardly then opened even by blazed-tree-guide-mark, and there by hard bodily labor, bearing all the sacrifices of seclusion from civilized society, to provide a heritage for his children. He had become a member and Secretary of the Society in Philadelphia for promoting Agriculture. He knew that the wealth of the country would rapidly develop; that where unpenetrated forests were then growing would soon appear teeming farms, whose produce would be borne on the abundant water-courses and over highways soon to be opened for at least rough travel. And here comes in a most exciting and romantic episode in his life. Our space will not admit even of a condensed sketch of the charming and thrilling narrative in which Mr. Upham presents this episode, largely drawing his materials from the Colonel's own papers. The scene of it was at Wyoming, now Wilkesbarre, then a secluded valley, afterwards invested with all the pathetic relations of sober history graced with all the charms of poetry, — in this instance hardly heightening the simple realities of truth. Now that region is the scene of marvellous beauty under smiling peace, and of wealth and domestic cheer drawn from the surface and the bowels of the soil. Conflicting land-titles, drawn, respectively, from a company in Connecticut claiming from Indian deeds, and from the agents of the Penn family as proprietors of the

Province, were the occasion of the terrific feuds between the actual settlers and another set of claimants, and over and over again armed bands and the torch made ruthless havoc amid the cabins, barns, cattle, and hay-ricks of the wilderness settlement. Colonel Pickering went thither furnished with civil and judicial functions as a magistrate, and with the implements for making a permanent home for his family. The State of Pennsylvania, after reckless hesitating procrastination in dealing with the conflicting claims, was guilty of a deliberate breach of faith towards the actual settlers. Pickering built himself a cabin, and then a substantial house, and tried with all his wisdom and energy alike to bring about a just legislation and to preside efficiently over the settlement. Once he himself had to flee from Wyoming, and, by a roundabout course through waylaying enemies, to make his way to Philadelphia. In another outbreak he was kidnapped in his own dwelling and hurried off by a wild band, who detained him in the wilderness for many days. True, even under these circumstances, to his own thirst for knowledge, and still exercising the calm energies of his well-controlled spirit, he contrived to pick up more information of the features of the country, the soil and its products, and to subdue by his personality the rough passions of his kidnappers. They soon relieved him of the iron chain by which they had fettered his limbs and confined him to a tree.

Colonel Pickering was recalled to civilized scenes, again to make his home in Philadelphia, and in the Cabinets of Washington and John Adams to fill the most arduous offices, performing in them all the highest service to his country. He was a member of the Pennsylvania Convention for acting on the proposed Constitution of the United States, and of that for preparing a new Constitution for the State, securing in it a provision for the education of all the people. Then began the difficult task which he afterwards repeatedly resumed of a pacificator of the dangerous tribes of Indians on our frontiers; first, to disengage them from alliances with the English, still in some particulars our foes; and next, to take measures looking to their own security and civilization. President Washington sent him on the first of these missions to the Senecas. So

efficiently and so adroitly did he accomplish the objects intrusted to him, that he was ever afterwards looked to as the prime agent in such work. Though he declined to accept the office of Superintendent of the Northern Indians, he at several times went to various tribes on these errands of conciliation. He acquired great influence over the Indians. He adapted his harangues to their ideas, and made himself familiar with their habits and susceptibilities. They, on their part, were readily won to respect and confidence towards him. His stature and bodily vigor, his costume and dignity of manner, and his evident desire to secure the rights and respect the wishes of these children of the forest, impressed them with the conviction that they might trust him as a wise and true friend. They even adopted him as a chief among them, and gave him a forest title.

Pickering had been engaged in three of these pacifying and treaty-making missions to the Senecas and the Six Tribes, and had declined the office of Quartermaster of the Western Army, when he received the appointment of Postmaster-General of the United States. He resigned his county offices, and removed his family to Philadelphia. He at once turned his organizing energy to regulating and improving the postal service. Here came up first the collision between the functions of the State and the general governments. Doubtless it was his success in this first public civil office that induced Washington to place him successively in other high ranges of duty. And here, without entering into the minutiae of controversy, some critical suggestions may be dropped by the way.

It is of course consistent with the spirit and method of Mr. Rives in his eulogistic memoir of Mr. Madison to depreciate alike the abilities and the merits of Colonel Pickering. With no word of recognition as to the services he had already rendered to his country, the transfer of Pickering from the Post-Office to the Secretaryship of War gives occasion to Mr. Rives to express his own low estimate of the qualities of the man, and to cull out some fragmentary asperities from the private letters of the foremost sharers in the collisions and jealousies of the time, as barbs to his own criticisms. He says that Washington had been disheartened by the embarrassments he had

encountered in his attempts to induce men of the first abilities to accept the places in his Cabinet made vacant by the resignations of Jefferson and Hamilton. On the resignation of Knox as Secretary of War, he therefore despaired of a successor of the large and liberal attainments needed in a counsellor and minister of state, and was constrained to content himself with a man who had special qualifications for mere routine business. Washington thought he found these in Pickering. "But," Mr. Rives adds, "with these professional qualifications were unfortunately united a bitterness and violence of political prejudices, a narrowness of views, and an intractable temper, which wholly unfitted him for any wide sphere of public action." From a letter of Hamilton to the President, in 1796, he quotes the sentence: "Mr. Pickering, who is a very worthy man, has nevertheless something warm and angular in his temper, and will much require a vigilant moderating eye." And of course Mr. Rives could not pass by the following sentences concerning Pickering from the pen of John Adams, in the Cunningham Correspondence: "He is extremely susceptible of violent and inveterate prejudices; and yet such are the contradictions to be found in human character, that he is capable of very sudden transitions from one extreme to the opposite. Under the simple appearance of a bald head and straight hair, and under professions of profound republicanism, he conceals an ardent ambition, envious of every superior, and impatient of obscurity."

Nor does Mr. Rives stop here. It was to his purpose, if possible, to bring Washington himself into the group of peers and judges who had given in — privately — some opinion derogatory to Pickering. So he proceeds, referring to the two Secretaries, Pickering and Wolcott: "No wonder that Washington should have said, as he is reported to have done, of the new secretaries imposed upon him by a cruel conjunction of sinister circumstances, if not by the unfaithfulness and designing views of professing friends, that 'he considered them successors in *form only* to the deliberative talents of their predecessors.'" The person by whom Washington is reported to this effect is Edmund Randolph. He had especial causes for slighting and defaming his late colleagues in the Cabinet, for

their course in dealing with the intercepted despatch of Fauchet, which led to his own abrupt resignation as Secretary of State. It is in Mr. Randolph's heated "Vindication," the perusal of which was the occasion of one of the very rare outbursts of intensely indignant feeling by Washington, that Mr. Rives finds the sentence which hardly sustains the full force of his allegation. Randolph, addressing Washington, says: "Resignation then was the path of honor. What! hold an office to be administered under the hourly control of him [Washington] who was thoroughly disposed to present humiliation to me in all its shapes: and would have prostrated the guidance of the Department of State to a Secretary of the Treasury, and a Secretary of War, who, but a few weeks before, were thought by him as but successors in *form* to the deliberative talents of their predecessors." It may be inferred that Randolph would not have ventured thus to remind Washington of what he had had in his *thought*, unless he had given some plain expression of that thought in the hearing or within the knowledge of Randolph. The temptation to barb his stinging reproaches of his late associates with that contemptuous estimate of them by their chief was indeed a strong one. But there is still room for questioning whether he did not overcharge some confidential expression of Washington, as well as violate the confidence under which it was made. We have this, however, to say, as we hesitate to give full credence to the allegation, or at least to the coloring of it, that such a slight upon the advisers whom he had himself called to his most intimate counsels, is utterly inconsistent with the habitual reserve and caution of the chief; and, moreover, that it is the only instance which we have met in all our reading in the voluminous materials of that and of a subsequent period, in which Washington can be quoted either from a private or a public utterance as speaking otherwise than with the highest respect, the fullest appreciation, and the strongest personal affection for Pickering. If Washington had allowed himself in the hearing of one party to draw comparisons derogatory to Pickering and Wolcott, with reference to their predecessors in office, he would have had at least equal reason in the hearing of another party to follow out the same method as applicable to Randolph himself.

Mr. Rives reiterates his depreciatory estimate of Pickering in mentioning his temporary appointment to the duties of the office vacated by Randolph, and then his full accession to it. Without a single word of recognition of Pickering's modest diffidence, of his frank avowal of a lack of the requisite qualifications, or of his strong reluctance and indeed his positive refusal to accept the post, Mr. Rives would have us understand that "the selection of this gentleman was evidently a *pis aller*." We do not believe that even the temporary appointment was so absolutely a makeshift on the part of the President. But this at least is certain, that the devotion, the intense and unwearied effort, with which Pickering set himself to the exacting labors of the office, and the amazing skill which he at once acquired in it, gave Washington full assurance in putting him permanently in the administration of it. Nor have we ever met with the slightest shadow of evidence that Washington ever regretted the appointment, or had occasion to ask for or miss in the Secretary any desirable gift or quality that he lacked. Pickering had a resolute spirit, which, as he proved in various exacting conditions of his life, was ready to grapple with the most formidable difficulties. He had abilities, too, which, if they stopped short of the inspirations of genius, were not of a second-rate order. To these he added patient plodding industry, persistency of purpose, an unswerving rectitude, and so much of policy and pliability — and we grant this was not very much — as his stiffness of principle and temperament would allow.

Happily his state papers remain, and can be consulted to-day with a view either of judging upon their absolute merits or of comparing them with those of statesmen who have followed him. He had had none of the opportunities which Adams, Jefferson, Jay, Monroe, Morris, Pinckney, and Gerry had enjoyed and improved upon, of actual converse with foreign courts. Yet he was by no means wholly unversed in a skilful use of language. If he had it not by nature, he very soon learned and applied the politic wisdom of avoiding all passionate or offensive terms, in dealing with subjects of the most exciting and provoking character. He even felt qualified to give cautions of this tenor in his despatches to our representa-

tives abroad, when they should communicate with the ministers of foreign powers. The more pregnant with strife and ill-feeling the matter might be, the more calm and passionless must be their phraseology about it.

A very striking instance is presented by Mr. Upham of the patient and persistent spirit, in which Mr. Pickering gave himself to a hard but necessary task sprung upon him without warning by an exciting and alarming incident. The three French ambassadors, Genet, Fauchet, and Adet, were successively agents of mischief in our young government, and all the good sense and resolute firmness of our first administrators were needed to circumvent their machinations. Their cue was to array the popular sentiment of the country at large in opposition to the policy of neutrality adopted by our administration, and then to persuade their own home government that our people were really in strong sympathy with France; in a word, that our delegated magistrates did not represent the will of those who had put them in office. Fauchet had been most zealous in this work. A despatch from him to the "Commissioner of Foreign Relations" at Paris, having been intercepted by the capture at sea of the vessel that bore it, had been sent to Mr. Hammond the British representative to our government, "to be used to the best advantage for his Britannic Majesty's service." Mr. Hammond, retaining a certified copy, gave the original to Wolcott, Secretary of the Treasury, who at once communicated it to Pickering, Secretary of War. It was in French, running to the length of twenty compact folio pages, and amid the mass of impudence and misrepresentation which it contained, it was found to "bear evidence of the most impudent and improper communications made to Fauchet by Mr. Randolph, Washington's Secretary of State; and it justifies the suspicion that from him were received the unfavorable opinions Fauchet entertained of the government party." His exposure, exciting the amazement and indignation of Washington, was instantly followed by his resignation. When this treacherous document came to the hands of Wolcott and Pickering, they at once interpreted its character. But neither of them knew French, and they could not venture to impart the secret of the epistle. Pickering might have learned a little of

the language thirty years before at Harvard College, though he had not in the interval added to or recalled it. Providing himself with dictionary and grammar, he set to work upon it the same night, and mastered and translated its contents before he went to his bed.

Mr. Upham is not able to inform his readers precisely and decisively upon what still remains an unexplained mystery, — the curt and peremptory dismissal of Pickering from his Cabinet by President John Adams. Indeed, our author rather intensifies and aggravates the mystery. He traces down and displays before us the evidences and expressions of a mutual confidence and respect between the President and his Secretary of State, even to a degree of playful banter and kind good-humor in each for the other, to the very eve of the summary call upon Pickering for his resignation, and of his laconic dismissal when he halted. Here Mr. Upham leaves the matter, as all who have traversed it before him have done, saving those who have ventured to speak positively without proof. Pickering himself to the last avowed that he did not know and could not divine the reason and motive for his discharge. He seems to have hesitated between two assumed grounds for it: the one, his known agency in influencing some senators against the confirmation of the President's son-in-law to an office of trust for which he had been nominated; the other, his suspected share in Hamilton's scheme for securing General Pinckney's election as President, to preclude Adams a second term in the first office.

Readers and critics who are restlessly inquisitive as to this particular state secret are at liberty to infer that it would have been cleared up, if a particular letter in the Adams and Cunningham correspondence had been published in its place in the series. This letter, however, it will be remembered, came to Cunningham's hand with the positive injunction that it should be at once returned, after perusal by one pair of eyes, and that no copy of it should be taken. But no rivalry as to the respective merits of the two equally honest patriots requires that this mystery should be cleared. The close of Colonel Pickering's service in the Cabinet did not come before he had left evidences of his ability in the different places he had filled in it.

His connection with the planning and supervising our great historic frigates, the "United States," the "Constitution," and the "Constellation," while he was the Secretary of War, prepared the way for his effective dealing with the Barbary Powers, when he was Secretary of State. He was also concerned in the establishment of the Arsenal at Harper's Ferry. Amid all the excitements and distractions attending the ratification of Jay's Treaty, and the machinations of the French envoys, and of Yrujo, the Spanish Minister, Pickering kept a cool head, and his ever-busy pen wrote much which has since served for precedent and authority.

Again a private man, he took to his wild lands in Pennsylvania, where, as well as in other States, he owned large tracts, which had only a far prospective money value. Clinging still to the favorite pursuit of actual forest and farm work, confident that labor and time would develop from them wealth for his children, he would not heed the appeals of his kindred and old friends, that he would give over the thriftless work and return to his early home. He was induced, however, to make a visit there, and while he was with them, his friends, by a pure stratagem, which, it would seem he did not divine, induced him to make with them a joint-stock company for the disposal of his Pennsylvania lands, he still remaining a shareholder, while their supervision was to be provided for without his presence. The names of the contributors, as his friends, to a very considerable sum of money for his purchase, were those of men of the very highest consideration and repute in this neighborhood, and the list is a most significant attestation of their regard for him. No one of these contributors ever realized a single mill in return for their investment. All their claims for the land were soon after made over in the mass, as a part of a benevolent fund raised by the friends of Alexander Hamilton for his family.

After a visit to his home in the woods, Colonel Pickering returned to Massachusetts, of which for the remainder of his life he was a citizen. He leased a farm in Danvers, and supposed that he would henceforward be free to pursue as a private man his loved labors of husbandry. But his respite was a short one, and his public service, varied in form, was to be

renewed amid the old scenes. He was soon appointed Chief Justice of the Court of Common Pleas in his county. It was at a time when the rage of party passions on subjects of the most vital national concern was at its fiercest, and when all men so conspicuous as was Colonel Pickering, and so independent and firm as he was in holding and expressing positive opinions, would have the warmest friends and the most malignant and unscrupulous enemies. Through such abusive means Pickering was defeated as a candidate for election to the House of Representatives of the Eighth Congress. But he was very soon elected to the Senate of the United States for an unexpired term, and again for the whole following term. In the Senate he took his stand firmly and calmly for that view of all contested national measures which his sound judgment and his wise patriotism commended to him: He of course knew well the penalty of defying the popular passion. He was hanged and burned in effigy at Philadelphia, and probably felt as little for the indignity in his spirit as he did of the fire in his body. An unmeaning vote of censure was passed against him in the Senate. He was treated in a cavalier manner by the governor of the State of Massachusetts, at the time a champion of the party opposed to Pickering. These rebuffs never caused him any loss of credit or comfort. He uttered some carefully guarded but very positive sentiments as regards the weight due to so-called "instructions" from a constituency to a representative. The "instructions" were impertinent; the *reasons* given in them or for them were to be entertained with fair and full consideration on their merits. Colonel Pickering held and pronounced most decided convictions against the proportional representation allowed to slaveholders for their human chattels. His biographer gives the weight of his opinion to the belief that, if the views of Colonel Pickering on this subject had been acted upon, our nation would have found another deliverance from its great curse than that through civil war.

An instance which finely illustrates the frankness and courage of Colonel Pickering, and which is put on record for the first time by Mr. Upham, was reported to him, as he tells us, by Senator Hillhouse of Connecticut, whose seat was near that

of Pickering. A bill before the Senate, "freeing from postage all letters and packets to and from Aaron Burr," had received a majority of votes in its preliminary stages, its opponents merely giving their votes as *nay*, without venturing to speak their reasons for withholding a permanent franking privilege from a dangerous man. Vice-President Burr occupied his chair in the Senate through the voting, and overawed or repressed all who were disposed orally to protest. Upon the motion for the final question, "Burr rose and said, 'Is the Senate ready for the question? Shall this bill be passed?'" He paused, looking around to see if any senator was proposing to speak. Colonel Pickering was observed to rise. Burr recognized him, — 'The senator from Massachusetts,' — and sunk back into his seat. Their eyes met; neither quailed. The Senate was awed into breathless silence. Colonel Pickering spoke as follows: 'Mr. President, — Who, sir, are dangerous men in this Republic? Not those who have reached the summit of place and power, for their ambition is satisfied. I tell you, sir, who are dangerous men. Those who have ascended to the last round *but one* on the political ladder, and whose vaulting ambition will never be satisfied until they have stood upon the topmost round. Sir, I vote against this bill.'"

The bill was killed by delay and postponement in the House of Representatives, and finally passed to oblivion. It is to be regretted that Pickering never completed his intended biography of his friend, Alexander Hamilton, Burr's deplored victim.

Colonel Pickering early discerned the mischievous workings of the method by which, in utter perversion of the constitutional plan, the election of President and Vice-President, instead of being effected by the deliberations of a body of unpledged electors, was decided by party intrigue, popular caucuses, and conventions, with all their mean machinery. The constitutional scheme has never really had a trial, and has now become impracticable. Pickering, as his papers give evidence, had conceived a substitute method, which he also found on examination would be impracticable. His friend Senator Hillhouse suggested a scheme in his turn; he would have had the President chosen by lot from that section of the Senate whose term expired on the year for an election.

After his full term in the Senate and a brief interval of leisure at home, Pickering was again sent to Congress as representative successively of Essex North District and Essex South District, after which he declined further to be a candidate for election. It may be mentioned as a curious illustration of the revulsions of party feeling, that this man, unchanged in conviction and purpose, on his first nomination to Congress, received in his neighbor town of Marblehead but 36 votes, while 293 were cast against him. In his successful candidacy, Salem gave him 466 votes, with only 60 in opposition; of the nine towns in his district, four gave him every vote, one more of them all but one vote; and his whole vote was seven times that of his opponent.

Though Colonel Pickering was one of the most resolute opponents of the second war with England, he served as Commissioner for the defence of the coast of Massachusetts. He had provoked the bitterest party animosity for his exposure of, and his steady efforts to thwart, what he regarded as the machinations of France, to complicate our relations with England. The strenuous advocacy of the cause of France by a party among us on the ground of gratitude for her early alliance and her effective aid in our war, Pickering wholly repudiated. With what seemed a somewhat ungracious bluntness he affirmed his opinion, that France gave us only *secret* aid, till we "had thrown sixes," in the capture of Burgoyne's army; that we should have triumphed in the strife without her; and that, instead of *generosity*, her motive in helping us was a selfish calculation of interest.

With the exception of membership of the Executive Council of Massachusetts, the remainder of Colonel Pickering's days were spent in private life. He presided over the Essex Agricultural Society, and won the first premium at a ploughing-match, himself holding the plough. He was chairman of the school committee; performed efficient service in behalf of the Greeks when they were suffering from want and carnage; read the Declaration of Independence at the celebration of July 4, 1823; and was engaged in preparing his own political memoirs and a life of Hamilton. He had a serene and honored old age, residing at Salem and visiting his farm at Wenham, which he

had put under the charge of an overseer. He had lost children, and he survived many of his oldest and dearest relatives and friends. His beloved and much-honored wife preceded him but a few months in going the way of all the living.

The bitterness of the party strifes and personal jealousies during the exciting epoch of Colonel Pickering's public life has left abundant traces in the histories and biographies of the time. Whoever wishes to stir their ashes, or to readjust the repute of any sharer in them, may busy himself in the occupation, and will perhaps find a circle of readers in each generation to linger over his pages. The most instructive method in which this study can be pursued, and the one most favorable to charity, will be, to regard the great men of that time, with all their noble qualities and their small or serious imperfections, as answering to types of character, each strong in itself and strongly marked in its points of comparison or contrast. Mr. Upham we believe to be discreet and fair; he has known when to be wisely reticent, and how to speak with temperate severity, as the occasion called for it. We can easily understand that Colonel Pickering, with all his greatness and goodness, might not have been what is called a lovable man, with gracious ways for attracting or conciliating those who approached him. Such gracious ways do not belong to that type of character. Jefferson is said to have spoken of him as "a peaked old Puritan." There is more or less of severity in that description, according as we define terms; and Pickering said some things about Jefferson which have not quite so wide a range in the scope of their interpretation as conveying praise or censure. Pickering and John Adams were both alike noble enough to discern that each had in him "the root of the matter," and publicly treated each other as self-respecting gentlemen. But as their private and confidential letters have come to light, we find that each wrote some sharp sentences concerning the other; and what is very remarkable, each charges upon the other exactly the same faults, — such as hasty and rash speech, obstinacy of temper, angularities, Puritanism, and a qualified *reverence* of Washington. In a letter to Pickering from his old associate in the Cabinet of Washington, McHenry, written in 1803, the writer frankly tells him that his character "wanted the

courtly charm of pliancy, but it possessed, what is better, the roughness of inflexible integrity, and a candor that defied concealment." Pickering himself, in a letter to his nephew, Dr. Clarke of Boston, in 1797, writes: "As applying to myself, the words of Pope (I believe it is) sometimes occur to me, in which he describes an 'old prig who never changed his principles or wig.' While all sorts of people are greased with pomatum and whitened with powder, my bald head and lank locks remain *in statu quo*." He came to be known as the old Roman, with a streak in him of the Greek, Cato, Cincinnatus, and Aristides. But there was something more in him than in either or all these.

GEORGE E. ELLIS.

ART. VI.—CRITICAL NOTICES.

1. — *Commentaries on American Law*. By JAMES KENT. Twelfth Edition. Edited by O. W. HOLMES, JR. Boston: Little, Brown, & Co. 1873.

THE publication of a new edition of a law book is not usually a matter of general interest; but an exception may well be made in favor of this. There is probably no lawyer, not otherwise conspicuous, whose name is more widely known and respected among the public at large in this country than that of Chancellor Kent. Professional merit must in general find its only lasting reward in the applause of the profession. The reputation of judicial learning and forensic eloquence extends but little beyond contemporaries, often hardly beyond personal acquaintance; while more permanent work, embodied in written judgments and treatises, however great and enduring its effect may be, gains no credit for its authors, except among those whose business obliges them to study it. Happy, indeed, is the judge or the commentator who is known and appreciated even by more than a small section of what is called by courtesy a learned profession. The fate of Kent in this respect has, however, been exceptional; his book has made him a reputation which flourishes, vaguely enough to be sure, among thousands who never heard of Lord Hardwicke or Chief Justice Marshall, and it is cited and revered as an oracle by hundreds of lawyers throughout the United States who would doubtless agree with King James's profane comparison of

Coke's writings to the peace of God, which passeth all understanding. What is the reason of this popularity? It is to be found, not so much in the ability of the writer, though that was great; nor in his style, for that is dry to the last degree; but in his good fortune in the choice of a subject.

The American law is based, as every one knows, upon the English; and until the Revolution it was, so far as it went, nearly the same; nor, after that time, was the departure very rapid at first. Justice continued to be administered under the same forms and by the same rules as before; and in the absence of precedents of their own to govern them, the courts continued to rely on the opinions of English judges to guide them in the exposition of our common system; and these opinions, though not technically of the same authority as during the colonial period, had practically, and indeed still have in a great measure, almost as much weight. The State of Kentucky did its best to set up a common law of its own by the enactment that no decision of any English tribunal since July 4, 1776, should be cited in the courts of the State; but this was a singular instance. The first peculiarity which appeared in our laws, and which is to this day its most remarkable feature, was the course of decision caused by our system of written constitutions. This system gave to the courts a power unknown to the common law, — that of annulling the acts of other branches of the government, as contrary to the supreme law of the land; and under it continually arose important questions as to the lawful powers of the government, and especially of the Legislature. This class of questions found no precedent, and, till lately, no parallel; though difficulties of the same kind are now, it is said, beginning to puzzle the courts of the Dominion of Canada, where the powers of the provincial parliaments were limited by the fundamental Act of Confederation of 1867, much as those of our Legislatures are restrained by the Constitutions of the States and of the United States. The political effects of these instruments are those to which public attention has been mainly directed; but their effects on private rights have also been remarkable. One provision, for instance, is common to them all, — the preservation of the right of trial by jury both in civil and criminal causes; the result of this, in the former class of cases, is, that trifling disputes of all sorts, which ought to be settled in a summary way by the decision of a single magistrate, are carried by appeal before a jury and litigated at infinite cost of time, trouble, and money; and the legislature is powerless to provide a remedy, as has been done in England, by making the summary jurisdiction of the inferior

magistrates final in small cases. In criminal causes, again, the constitutional provisions as to the forms of trial, substantially the same in all the States, have been construed so as to secure to the prisoner the chance of escape by any of the minute technicalities known to the ancient common law; and objections which might formerly be looked upon with favor, as affording to a mercifully disposed tribunal the chance of relieving a man from a penalty out of all proportion to his offence, are suffered still to prevail to protect petty rascals from well-deserved sentences. It would be an interesting task, did space permit, to follow out the workings of our constitutional restrictions in the administration of every-day justice in civil and criminal cases; but this would require a whole book to itself.

The earliest and most remarkable departures of the American law from the English, on which it was founded, are thus readily traceable to our peculiar form of government. But there are also many subjects, in no way connected with this, where the course of legislation and of judicial decision throughout the United States, though generally consistent with itself, has varied from the current of the authorities in England; often merely anticipating changes which have come later on the other side of the Atlantic, as in the familiar instances of the laws restricting imprisonment for debt and those extending the rights of married women; and often, again, introducing strange novelties, the results of which are yet very doubtful.

It is easy enough now for a lawyer, or for any person whose attention is called to it, to notice some of the peculiar features which make of the American law, as a whole, a distinct system, notwithstanding the many minor differences between different sections of the country; but of late years, and especially since the death of Chancellor Kent, the progress has been very rapid. The equitable jurisdiction of the courts, formerly restrained and regarded with much jealousy, has increased, is increasing, and, at least as exercised by some tribunals, ought to be diminished. The system of special pleading, "curious, orderly, and beautiful as it is," in the language of the Chancellor, who pathetically deplored the earliest innovations on it, has been swept away like a cobweb; *etiam periere ruinae*. The intricacies of the ancient and complex real-property law, derived from our ancestors, have in great part disappeared, only to be replaced by the newer and not less complex learning of tax-titles and pre-emption rights. In one part of the country the railroads are alternately declared to be and not to be public property, according as the railroads themselves or the public creditors are the parties to be plundered; while in another the unreasonable and oppressive legislation directed against the

traffic in liquors has accustomed the people to the edifying spectacle of laws which are openly, notoriously, and incessantly violated, as a matter of course, by all classes of the community.

All this is since Chancellor Kent died, twenty-six years ago; and when he began to write, twenty years before that, the growth of the American law had been far less rapid, less eccentric, and less noticeable. But even then many peculiar features of our jurisprudence were beginning to appear, which required an elementary book to explain them. Kent was, if not the first to perceive the existence of a subject so large and important, at least the first to attempt a systematic treatment of it. His book had but to appear to make its importance generally acknowledged. It became at once, and has ever since continued to be, not only the standard, but the only authority; it kept possession of the field which it was first to occupy, and is not likely soon to be superseded; and many generations of lawyers will doubtless continue to study it as the foundation of their professional knowledge, not, indeed, without some weariness of spirit, and sympathy with the students who, as related by one of them, were attracted by the Chancellor's reputation to attend in crowds the first delivery of the lectures which form the substance of the book, but whose patience was soon wearied out by the dreariness of the lecturer's style, and who mostly vanished after the first term.

Since the death of the author, in 1847, five editions of his *Commentaries* have been published before the present one; and each has been annotated copiously and learnedly. But the successive editions are made on no uniform plan, and tend rather to confuse than to help the student, consisting as they do of irregular sprinklings of new citations, often misleading, often superfluous, often conflicting with the text and with each other, and little or no attempt made to reconcile or explain them. In the present edition they are all (with a very few trifling exceptions) expunged. This seems a bold stroke; but no one who examines what has been substituted will regret the change. Each of Mr. Holmes's more important notes is a complete little essay in itself, a short treatise on the law of each subject in its order, as developed since Kent's time. The immense size of the field which has been searched for authorities, the discretion with which they have been selected, and the extreme conciseness with which their result is stated, are apparent on a very little use of the book, and calculated to inspire confidence in the soundness of the original views which are sometimes taken, and which it must have required some self-denial not to expand into a larger proportion of the whole space. And this confidence is sure to be increased on a

further study, which brings to light the thoroughness and accuracy with which the work has been done, more and more striking on a closer examination. The diligence which has been used to consider and compare everything that bears on the points discussed, to exclude everything which does not bear upon them, and the completeness of the discussion in so small a space, can be fully appreciated only by those who have occasion to examine with care the same subjects for themselves, or by those who have had the good fortune to see the work as it went on. No such eyewitness can have failed to remark, in the unceasing industry, in the abundant learning, in the patient statement and restatement of propositions till they reached a correct and satisfactory form, in the eagerness to obtain and readiness to consider fairly the views of others on doubtful points, so as to take in every possible view of them, which have marked the progress of the work, an example of how a lawyer and a scholar ought to write, even when he occupies no more pretentious position than that of annotator to another's book.

It follows, of course, from the nature of the work, that attention is necessary on the part of the student, not only to appreciate its value, but to make it useful at all. To get so much matter into the compass of a note requires extreme condensation; and to get it out again, into a shape for practical use, requires some expansion. This is unavoidable, from the nature of things. If Mr. Holmes had been a little less concise, his essays would have been easier, no doubt, to write, to read, and to apply in daily practice, — easier, perhaps, to remember; but no one but himself is competent to judge whether any amplification was possible in the space allowed, and it is fair to suppose that it was not.

Considerable use has been made in the notes of a class of books which has come into fashion since the days of Chancellor Kent. A new school of writers and thinkers on legal subjects has appeared of late; men who put their trust in Bentham and Austin, who have revived the study of the civil law, who have attempted to collect and compare the legal ideas of many nations, ancient and modern, and who aspire to create or contribute to a consistent, rational, and uniform system of jurisprudence, which shall be of general, or even universal, application. These writers are beginning to make their influence much felt, whether for good or evil is yet to be seen; but their existence, their ability, and their importance cannot be ignored even by those sceptics who are not fully convinced that this abstruse learning and brilliant theorizing can have any other practical result than the displacement of a technical jargon, which has at least the

advantage of some hundreds of years' interpretation, in favor of another dialect, understood only by its inventors. There can at least be no doubt that the aim of the modern school is excellent, its promises attractive, and many of its investigations valuable and interesting to other than professional readers. Mr. Holmes is, we understand, a disciple of this new school (if, indeed, he be not, as some of his other writings tend to show, the prophet of one yet newer), but he has introduced into his present work no undue proportion of strange doctrine, nothing that is not properly connected with, and explanatory of, his text; and what he has inserted makes us regret that there was not room for more.

One of the most elaborate and interesting of these essays is that on page 441 of the fourth volume, on Village Communities and the Origin of Property in Land, a subject which has lately been made comparatively popular by Sir Henry Maine's book. The note in question is an excellent example of the important results of the historical method of studying law, and of the light which has been thrown on obscure questions of English and American laws and customs by the comparison of them with those of other countries; a comparison which has, unfortunately, been in great part reserved for foreign scholars to make. To the general reader, this is probably the most attractive subject of which the editor has treated; but the other notes are of no less merit, though for the most part of a more purely professional interest. The "learned reader," to whom Judge Story so often appeals in his books, will find much profit, for instance, in the perusal of the comment on the doctrines of covenants running with the land, at page 480 of the same volume; and of master and servant, at page 260 of the second.

There are a few matters of mere mechanical detail in this edition which call for notice. A table of cases cited is indispensable in any law-book, and it is not wanting in this; but all the cases cited in the four volumes are indexed together at the beginning of the first, instead of each volume having its own table. This practice is somewhat in use at the present day; but it seems to us to be inconvenient. Any one who looks for a case by its name must know what it is about, and ought to know, if he is properly familiar with his Kent, in which volume the subject is to be found, with other cases which concern it; and if each volume had its own table, the trouble of consulting two would often be saved. This seems a small matter, but to one who uses the book much it is important. It is fair to say, however, that this arrangement has enabled the editor to restore the author's original division of the work into volumes. In the late

editions, the first volume was so small that it was made up with a piece of what was originally the second ; but in this, the number of pages needful for the fair appearance of the volume is supplied by the index of cases, which is certainly a gain. No good reason, however, is perceived for omitting the separate index to the first volume, which stood in former editions. That volume is, in some respects, a work by itself (it has, indeed, been published as such, apart from the rest) ; and though, perhaps, a separate index was not worth the trouble of making in the first place, why drop it when it is already made ? We will close our enumeration of the faults which a pretty careful study has discovered with the observation that the paper is thin and poor.

The aid given by the gentlemen named in the editor's Preface seems to have been efficient ; and we observe in particular the mention of the assistance derived from the supervision of Mr. J. B. Thayer, a gentleman well known at the Boston bar, the value of whose co-operation may be best explained by the statement that he has lately been appointed to what is perhaps the most important professorship in the Harvard Law School, an institution whose care in the selection of men of learning and ability as instructors enjoys a well-deserved reputation through the country.

There are many law books in which the commentator has quite swamped his text, and has, in fact, made a new book. Mr. Holmes has not attempted to do this. He has confined himself strictly to the subordinate position ; but in that position he has fairly earned the praise of being no unworthy continuer of the labors of the greatest of American legal authors, and might well appropriate to himself the modest and dignified language of the most famous of the English commentators : "I thought it safe for me not to take upon me, or presume that the reader should think all that I have said herein to be law ; yet this I may safely affirm, that there is nothing herein but may either open some windows of the law, to let in more light to the student by diligent search to see the secrets of the law ; or to move him to doubt, and withal to enable him to inquire, and learn of the sages what the law, together with the true reason thereof, in these cases is ; or, lastly, to find out, where any alteration hath been, upon what ground the law hath been since changed ; knowing for certain that the law is unknown to him that knoweth not the reason thereof, and that the known certainty of the law is the safety of all."

2. — *The Ancient City: a Study on the Religion, Laws, and Institutions of Greece and Rome.* By FUSTEL DE COULANGES. Translated from the latest French edition by WILLARD SMALL. Boston: Lee and Shepard. 1874.

THE *Cité Antique* of M. de Coulanges has been so often referred to in the pages of this Review, that it seems now superfluous to enter into any elaborate discussion of its contents or its merits. Readers who are interested in prehistoric studies, who read Maine's "Ancient Law" and "Village Communities," and are on the watch for his forthcoming lectures, who are acquainted with Lubbock's "Origin of Civilization," M'Lennan's "Primitive Marriage," Tyler's "Early History of Mankind," Morgan's "Systems of Consanguinity," Müller's *Geschichte der Americanischen Urreligionen*, Bachofen's *Mutterrecht*, and similar works, must be assumed to have sufficient acquaintance already with the *Cité Antique*. If not, they should buy the book at once. It is indispensable for the study of the class of institutions with which it deals. Theology, law, and history are all touched so closely by this work, that no student in either branch can afford to neglect reading it.

M. de Coulanges has undertaken to show how the institutions of archaic Rome grew from, and were in every fibre permeated with, one great religious idea, the active force of this idea consisting in an intense realization of a life continued after death. His fundamental proposition is a simple one, and, so far as appears, indisputable. Religion in the condition here studied was, he says, purely domestic. The mystery of generation was to the ancient Roman what the mystery of creation is to our own age. The belief that generation was due entirely to males, that the female was only passive, receptive, and had no other share in it, caused the father to be alone regarded as the possessor of the mysterious spark of existence, and gave to him the peculiar sacredness which characterized the Roman *paterfamilias*. Hence came the extraordinary legal rights classified under the head of *patria potestas*. Each family, moreover, was an independent religious community, with a ritual of its own. The father was the priest. No member of another family could join in these ceremonies. Hence it resulted that the married daughter must pass into her husband's family; and cognatic relationship did not constitute membership in the Roman family. The mystery of generation incarnated in the *paterfamilias*, extending itself back to the deceased progenitor, gave as a necessary result the worship of an-

cestors. The mere fact of death was no interruption to the logic of their reasoning. The ancestor was in his tomb, hard by the house. His spirit lived there, a part of the family, invoked at every moment, interested in the welfare of the living, his hunger supplied by regular offerings, his power and his immediate presence unquestioned and undoubted. The domestic hearth was the altar; the fire upon it was perhaps regarded as the divine spirit of the ancestors. Their effigies stood about it, or about the atrium. Neglect of the worship, or failure to make the regular offerings, was therefore a crime like parricide. To allow the family to become extinct, so that no one should be left to carry on the worship and supply the offerings, was a compound of parricide and suicide. Naturally, therefore, the Roman fought *pro aris et focis*, and in defence of his Lares and Penates. Naturally, too, Roman law was intensely imbued with the logical consequences of this religious theory.

No doubt M. de Coulanges has grasped here an idea full of promise; and the manner in which he has developed it deserves the praise it has received. Nor is it a question of much importance whether he has or has not ridden his theory too hard. The object of a monograph like this is to throw its subject into strong relief, and to stimulate inquiry. But several years have passed since the book appeared; and now that its merits and its defects are tolerably well understood, it is natural that the student should begin to ask what further use can be made of the historical principle developed in it. The inquiry is interesting in various ways, but it has a peculiar interest in a legal point of view. The early history of law has never been written; indeed, it is safe to say that hardly an attempt has yet been made to collect, far less to study on any scientific system, the materials for such a history. The darkness which rests over the subject is as yet impenetrably dense. Roman institutions have alone been studied with care, but they have necessarily been studied by themselves rather than as a part of a general subject. Hence Roman law has come to be regarded as the type and source of all law; and the history of Roman law appears to bound the ambition of the most curious student. When Sir Henry Maine raised a corner of the veil which covered, and still covers, comparative jurisprudence, and illuminated certain points of legal history by the light of Hindoo law, his lectures startled the public; yet even Sir Henry Maine is true, after a fashion, to the classical tradition. Roman law is to him, too, the pure, typical, legal history, to be illustrated rather than to be used for illustration, to be studied as the end rather than to be used as a subject for classification. It is true that he has, since the pub-

lication of his Ancient Law, shown a marked disposition to widen the range of his generalizations and studies. It is also true that however closely the professional lawyer may cling to his superstitious belief in the completeness of the law as he knows it, the public at large has become extremely curious and eager to follow a wider course of study, and is certain to find the means of gratifying this taste.

The Roman law is unquestionably the best, and almost the only satisfactory subject for scientific study to the student of legal history. Its advantages are obvious and undisputed, nor is it intended to dispute them here. Acquaintance with its history is no doubt a condition precedent to any scientific acquaintance with modern systems of law; but all this does not necessarily imply that Roman law is a final study. The more strongly all this is insisted upon, the more likely will the student be to assume what is not true, — that law is a sterile science, and offers but little variety in its forms of development. It is not even necessarily true that the archaic law of Rome was the truest type of archaic law; yet this is a matter of some importance as an element in legal history, and is worth an investigation. If deeper examination were to prove that Roman law as known to us in its archaic form was not pure archaic law, curious consequences might follow.

M. de Coulanges has described in a very lively manner the salient points of early Roman law, and has traced them back to their origin in the religious or superstitious ideas of the Roman citizen, as developed first of all in the Roman family. The evolution of law and society is to be studied, therefore, as proceeding from the Roman family and its family law. The Roman family, with all its extreme religious characteristics, its extravagant paternal authority, and its exclusion of cognatic relationship, is to be considered as the type of the family. It is to be assumed as the true Aryan type. All Aryan races sprang from an original Aryan society, in which the Roman family was the typical family. This is the usual assumption, and necessarily so; because unless this is assumed the value of Roman jurisprudence in breaking the fetters of the family organization will be less clear.

But as a matter of fact it is not altogether certain that the Roman family was the typical archaic family; and it is even quite conceivable that the extreme legal consequences which the Romans developed from their family system were nothing more than peculiarities of their own rigid logic and their local conditions. There are certain characteristics of the Roman family and its forms of worship which strongly suggest other than Aryan influences. They inspire an eager

curiosity to know what was the organization of the Etruscan family, and its religious and philosophical mysteries. Etruscan law and society are still comparatively difficult to study; but there is one race of which something is really known, whose institutions seem to offer a clew of a certain sort, or at least indicate a possible clew. The influence of Egypt on the races which surrounded the Mediterranean in prehistoric times, the Etruscans among the rest, is far too much disputed to answer for the basis of any solid argument; but the institutions of Egypt are at least better known than those of any other contemporary race. They were not Aryan; and they existed in their perfection as many centuries before the rise of M. de Coulanges's Ancient City as the Ancient City existed before the time of modern New York. Egyptian law has been little studied, and is little known; but, happily, Egyptian religion is well preserved, and its very earliest form is peculiarly interesting, as furnishing a point of comparison with that of archaic Rome. Compare Mariette Bey, the first Egyptian authority of the time, with M. de Coulanges:—

“Every complete funeral monument is divided in three parts: the exterior chapel; the pit, or shaft sunk vertically into the rock to a depth that varies between thirty and one hundred feet; and the mortuary chamber where the mummy reposes, at the foot of the shaft.

“The exterior chapel is composed of one or several chambers. Here at certain periods of the year came the relations, or perhaps the priests of a certain class, to perform the funeral rites in honor of the dead. The entrance frequently has for door-posts bas-reliefs representing the standing image of the deceased, and for lintel a wide slab covered with an inscription in horizontal lines. This inscription always deserves to be read. It begins with an invariable formula of prayer, followed by a mention of the funeral gifts to be presented to the deceased at certain anniversaries throughout eternity. The list of these anniversaries is not at this earlier period so complete as it afterwards becomes. By the side of some feasts not well defined, there occur others which have a distinctly astronomical character. I will instance the twelve feasts of the first day of each month; the twelve feasts of the sixteenth day of each month; the feasts of the commencement of the seasons; and especially the two feasts to be celebrated at the first day of the sacred year and at the first day of the civil year, precious evidence that Egypt even then had established the true length of the year of three hundred and sixty-five and a quarter days. The representations that cover the walls of the interior have no less interest. Here the personality of the deceased is always prominent. One sees him surrounded by his family, assisting at different scenes; he hunts among the reeds; he presides over the field-work; servants bring him the produce of his farms; others immolate oxen at his feet. The furniture of the chambers where these representations of private life are figured is always as simple as possible; it consists only of tables for offerings, and stela. The first are votive. The offerings in sacred bread,

wines, fruits, provisions, which must be brought in kind on the anniversaries mentioned above, appear here sculptured on the stone. The statues representing the deceased are, however, for the most part not in the open hall. At a little distance from the principal chamber the architects have concealed in the wall a sort of closet, walled in on all sides. In this corridor the statues were shut up. The usual custom was to hide these monuments for eternity, but sometimes a little rectangular opening in one of the walls of the principal chamber betrays a narrow duct leading to the hidden statues, used either to convey words which the statues were supposed to hear, or to serve as a passage for the smoke of incense. It is not impossible that the rectangular slits in the king's chamber of the pyramid of Cheops had this destination. The complete absence of figures of gods among the innumerable scenes represented on the walls of these early chapels is an anomaly peculiarly characteristic of the epoch."

All this reads like an extract from Coulanges, except that it describes a far more magnificent civilization. The pyramids themselves would appear to have been only the grandest emanation from this principle of ancestral worship. The pyramid was the rock within which the shaft was sunk and the mortuary chamber hidden. On the east side of the pyramid was the temple or chapel where at the fixed feasts offerings were brought. Mere vanity was not the motive which caused these prodigious monuments to be built. They are rather the emanations of the most intense faith that ever existed. They were the fortresses within which the monarch expected to dwell for eternity, protected by the magnitude of his own work, fed by regular offerings, and listening as when alive to the prayers or thanks of his subjects. But imposing as the pyramids are, they are not the most affecting evidence of this Egyptian creed. Among all the characteristic spectacles of that extraordinary land, the long line of tombs which dot and honeycomb the cliffs for hundreds of miles along the Nile is the most impressive, because of its incessant recurrence to rivet the same idea upon the mind. Of all races the early Egyptians must have been pre-eminently worshippers of the dead. "The Egyptians," says Mariette, "had no other domestic worship than that of their ancestors. They preserved about them, in their houses, the statues of their relations, which played the part of the Penates among the Romans."

All this is not advanced with the object of proving that the Romans obtained their family system from Egypt, but merely to show what kind of family system prevailed at least on one shore of the Mediterranean thousands of years before the Roman city existed, or at least is supposed to have found a name. The Egyptian worship thus described implies a complete system of law. We do not yet

know whether the family law of the pyramid-builders was analogous to that of republican Rome, but Diodorus Siculus supplies one link in the chain when he says that, according to common belief among the Egyptians, the father was sole author of his child's existence, the mother furnishing to it only nourishment and abode. The mystery of generation is the subject of the paintings in the third corridor of the tomb of Rameses VII. at Thebes, about contemporaneous with the siege of Troy.

Undoubtedly there is nothing in all this at all inconsistent with the idea that the same religious conception may at one period in the world's history have prevailed over a large part of Asia, Europe, and North Africa, embracing the Semitic and Aryan races in one legal and philosophical system. But the question is not so much whether one general system prevailed, as it is whether one particular race or tribe shall be considered as the type of that system, if it existed. The Egyptian philosophy was highly developed five thousand years ago. Either it was the same philosophy as that of the Aryans, in which case all Aryan races ought to have held it, or it was a development of its own, in which case the question rises, why the Romans so nearly approached it, and what then the typical Aryan system was.

This question is especially forced on the attention in studying the *Cité Antique*, which thrusts into extreme prominence precisely that religious and metaphysical side of Roman institutions which finds so strong analogies in Egypt. And it is a question peculiarly interesting to the race that claims a German descent, because the archaic German appears to have known little or nothing of the Roman refinements in law and philosophy. The Germans may perhaps have worshipped their ancestors, but they built upon this worship no such structure as the Romans did. The archaic German family, which must have shown traces of such an organization had it ever existed, was, on the contrary, a loose, flexible, almost indefinite association. The *paterfamilias* had no such absolute power as his Roman contemporary; his sons were subjected to no life-long despotism, and were at liberty to own all the property they could acquire; the wife had in her right of divorce an easy means of protecting herself from her husband's authority; she had ample and even excessive rights of dower and inheritance; the daughter was not excluded from her own family by marrying into another; her children looked upon their mother's sisters and brothers as equally near with their father's nearest relations; kinship was reckoned back equally through father and mother, and the blood-feud was shared by both sides of the family alike; the German did not fight *pro aris et focis*; he had no Lares or

Penates ; he was not shocked at the idea of committing his dead king or lord to a ship and sending it out to meet its destiny on the wide ocean ; he does not appear to have offered incense or food at his ancestors' tomb ; he did not regard the cobolds and goblins of his house as beings of peculiar sanctity, though they would seem to have been all that was left of the spirits of his ancestors ; in short, hardly a trace is to be found in the German family of that elaborate religious and legal formalism which is so prominent in the Roman.

The usual and obvious explanation of these differences is offered by the easy assumption that the Germans, like the Romans, had possessed all the religious and legal characteristics of the extreme family system before they began their wanderings, and had subsequently lost them ; therefore Roman society is the typical Aryan society. But another explanation is conceivable, and even probable. If it be true, as need not be denied, that the Germans during their wanderings lost much that was characteristic in their Aryan religion and law, it may still be equally true that the Romans, in contact with other races and a more developed religious creed in Italy, may have wrought out with their logical directness a social and religious system which in severity of legal sequence went far beyond their own original customs, — were perhaps, in one sense, depravations of those customs, especially in the inordinate elevation of paternal authority, and the corresponding degradation of the mother and children.

What, then, was in fact the original Aryan family system ? This is a question which can only be answered by a comparison of widely separated forms of society and law, the materials for which have not yet been collected ; but that the Aryan law was in some respects much nearer German than Roman law is indicated by a curious fact lately brought to light by Sir Henry Maine. In his lecture on the Early History of the Property of Married Women, Sir Henry has advanced an ingenious theory in regard to the origin of the practice of Suttee, or widow-burning. It appears that the oldest monuments of Hindoo law and religion gave no countenance to the rite. "These inquiries pushed much further have shown that the Hindoo laws, religious and civil, have for centuries been undergoing transmutation, development, and in some points depravation at the hands of successive Brahminical expositors, and that no rules have been so uniformly changed — as we should say, for the worse — as those which affect the legal position of women. It is extremely likely that what the Romans would call the *dos* was at one time a much more important institution among the Hindoos than it is now, and, indeed, that the married woman's authority over it was a great deal more extensive

than was that of a Roman wife. . . . There is much reason to believe that the text, which one of the most authoritative of the Hindoo legal treatises attributes to the mythical, semi-divine legislator Manu, describes a condition of the law very like that which in very ancient times prevailed in India. 'Stridhan,' says the rule, or woman's property, includes 'all the property which a woman may have acquired by inheritance, purchase, partition, seizure, or finding'; and this is a comprehensive description of all the forms of property as defined by the modes of acquisition. Nothing, however, in the existing Hindoo law gives this amplitude, or anything like it, to the Stridhan."

In this respect, however, the ancient Hindoo law agrees very well with the ancient German law, which was also very liberal to wives and widows, as well as to daughters. The assumption is inevitable that this was Aryan law. The Romans modified it by the religious autocracy which they conferred upon the *paterfamilias*. The Hindoos, as Sir Henry affirms, unable to change the law, restricted it wherever restriction was possible, and in order to escape its effects adopted the ingenious expedient of working upon the religious credulity of the widow, and so making a law of Suttee. In both cases the same influences and the same tendency are evident.

But if this is an example of the character of pure Aryan law, that law would appear to have had a far more liberal character than the early Roman. Such power in the hands of the wife is incompatible with the Roman conception of *patria potestas*. It implies a family tie much more closely resembling the German. In other words, it points to the inevitable conclusion that the Roman family and the law derived from it were not universal to the archaic society; that they were peculiar to Rome; that they were in their peculiarities essentially perversions of the Indo-European customs, and that these perversions mark the whole history of Roman jurisprudence. It points also to the necessity of creating something that can claim the name of scientific legal history; and perhaps to the student of English law it points especially to the conclusion that no really thorough historical acquaintance with his subject is possible without tracing the stream of legal institutions back through the German hundred, as well as through the Roman city, to its Aryan source.

3. — *Die Politik der Päpste von Gregor I. bis Gregor VII.* RUDOLF BAXMANN. Leipzig. 1869.

THE American public is much better supplied with good histories of the Church during the Middle Ages than with secular histories of the same period. Besides Milman's "Latin Christianity," there are many translations of valuable German works on the same subject. Owing to the rapid advances made of late years in the discovery and publication of original documents, the works of Neander and Mosheim have become somewhat antiquated; but their places have been well supplied to Americans by translations of Gieseler and Hase, published in cheap and available editions. The former is, and always must be, of the greatest possible use as a well-selected collection of the most important original documents of the period; but the narrative portion of the work is little more than a running commentary, which serves to hold the citations together. To a beginner, therefore, something of a more explanatory nature is necessary; while to the advanced student Gieseler is useful principally as a book of reference. The latter, Dr. Hase's book, is devoted more particularly to the constitution of the Roman Church, and has the disadvantage of referring very seldom to modern works. There are also, of course, numberless histories in German of which no English translations exist, from Gfrörer's exhaustive volumes down to Baur's book, which is little more than the groundwork of his lectures.

The list of works is formidable, and the number of able writers on the period very large; but nevertheless Herr Baxmann has well supplied a serious want to the student of Papal history. It is hardly too much to say that to the majority of secular readers Church history is interesting only in so far as it resembles other histories, — that is, politically. The heresies and schisms, and the endless controversies of the early Christians, however edifying they may be as showing the progress of dogma, are probably more tedious than any other subject of historical study; but the growth of Church influence and power, and the construction of the great fabric of Papal supremacy, are subjects of the deepest interest, and of vital importance to a thorough understanding of mediæval history. Any author who gives to the world a good account of the early Church policy, stripped of the encumbrances of spiritual disputes, renders an important service to the public.

This Herr Baxmann has undertaken to do, and his success is almost commensurate with the wisdom of his selection in choosing to treat

Papal history from a purely political stand-point. Wisdom of selection, coupled with a good arrangement of parts, forms the most striking merit of the book; indeed, a mere glance at the table of contents almost suffices to prove this. Unlike Mr. Froude, Herr Baxmann considers it proper not only to have a certain knowledge of the period preceding that of which he is about to treat, but also to give his readers some idea of that period. The book opens, therefore, with a brief sketch, occupying about forty pages, of Church history down to the time of Gregory I. "The Policy of the Popes from Gregory I. to Gregory VII." is the judiciously chosen subject of the main work. All Papal history, including in its broadest sense all the history of the Roman Church, may be roughly divided into four distinct periods. The first of these, beginning with the Christian era, and ending with Gregory I., is occupied by the struggle of the Church to establish itself, and gain purely spiritual supremacy. The second period, one of five hundred years, includes the entire political development of the Papacy, and culminates in the pontificate of Gregory VII. The two following centuries, which form the third period, exhibit in successful operation the scheme of spiritual autocracy perfected and set in motion by the genius of Hildebrand. The history of the fourth and last period is the history of the decline and fall of the great fabric of Papal supremacy, which had been reared with so much care, and is still unfinished.

Herr Baxmann has selected the most important of the four great periods, the one which foreshadowed all the future history of the Papacy, — of its success and ultimate failure alike. The work begins with a full account of the pontificate of Gregory I., and passes rapidly over the reigns of the succeeding Popes until Gregory II. is reached. At this point the history of each pontificate is taken up in more detail and treated with proportionate fulness until the accession of Gregory VII. Herr Baxmann has brought out in the strongest light the distinctive features which marked Papal history at this time. The reader never loses sight of the slow but steady growth of the Papacy. Through all the reigns of the numerous Popes who filled St. Peter's chair during these five hundred years, even through the darkness of the tenth century, which almost degraded the Papacy to the position of appanage to an obscure family in Rome, the course of Church policy is clear and distinct. The causes of the success of Gregory VII. and Innocent III. are made perfectly apparent; and even then the results achieved by the great Popes are seen to be inevitable. The author allots the last hundred pages of his history to an account of the pontificate of Gregory VII., and an analysis of

his character and policy. The history of this pontificate embodies all Herr Baxmann's most excellent qualities, and is certainly all that could be desired, if not the best that has ever appeared. It is not an eloquent or enthusiastic account of the years during which Hildebrand was Pope; it makes no attempt at fine writing; but the great events with which that decade was crowded are narrated so well, and so skilfully grouped, that the character of Gregory and the results he achieved stand out in strong relief. In his discussion of Gregory's character and policy the author has been less fortunate. His view of Gregory's policy and its effects is sufficiently just and discriminating; but in his estimate of Gregory's character he has failed. The cause of his failure is obvious. Herr Baxmann tells us, in his Introduction, that he writes from the Protestant stand-point; and although he is far from being an extremist, he is sufficiently biased to be unable to do justice to Hildebrand. The historical stand-point of the German Protestants is tolerably well defined, and it is perhaps not to be expected that a member of that party should satisfy the outside world in his treatment of the greatest genius of the Middle Ages, who had the triple misfortune of being an Italian, a Pope, and the man who more than any other brought about the dissolution of the Germanic Empire. Yet in this connection Herr Baxmann has earned the gratitude of every student of Church history, by collecting within the compass of a few pages the views of all the leading writers on Papal history in regard to Gregory's character.

However faulty the author's estimate of Gregory may be, it proves that Herr Baxmann has originality. The disclosure of this power throws into prominence that lack of suggestiveness which is elsewhere the prevailing fault of his book. Good theorizing is the essence of good history. Incompetent men, it is true, have no right to theorize at all; but, on the other hand, the world pardons much to a Mommsen or a Macaulay. Herr Baxmann is far from incompetent, and his excessive love of condensation is a distinct fault. The bad effect of omitting all expression of the author's opinions is to make many chapters of a really first-rate book most undeniably hard reading.

Thoroughness and full references to all the most recent writers, as well as to the original documents, make these volumes remarkable even for German work. There is, however, one exception to this thoroughness. Among all the instruments used by the Popes in the construction of their political power, none played a larger part than forgeries; and among these forgeries one is *facile princeps*, — the

great masterpiece of the so-called Isidor, — which embodied and elaborated all the clumsier efforts of previous years, invented a series of new documents of the utmost importance, and left to the more cunning workmen of succeeding centuries little to do but to revise and extend. Herr Baxmann dismisses the Isidorian Decretals with scarcely a page, and that, too, after acknowledging that they were the “most important of all the forgeries, and fraught with the most serious consequences to the world’s history.” He enters into no discussion as to their probable cause, beyond saying in a general way that they were due to the tendencies of the time. It is one of the most interesting questions of that period, whether the Isidorian Decretals were an offspring of Papal policy, or simply a *bona fide* effort, on the part of certain priests in France, to free themselves from the domination of their metropolitans. Herr Baxmann offers no theory of any kind in regard to this point; and a still more striking fault is his failure to give any references to the best modern work.

Much has been done in Germany to clear up the mystery which has hitherto enveloped the origin of the false Decretals. In Sybel’s *Zeitschrift* for 1861 and 1862 there are two able essays by Karl van Noorden and Julius Weiszäcker, the latter being especially noticeable. Herr Baxmann makes no mention of them, nor of other still later works, which it is possible may have been published too late for reference in his history.

It is much to be desired that the American public should have a good translation of this, which is on the whole the best history of the Papacy at its most interesting period that has yet appeared. The style is clear, and the whole work is thorough and compendious. It is also so far condensed that it has the advantage of convenient size and form, — two octavo volumes of very moderate bulk. A good translation would be even more valuable to teachers and students than to the general public, and would supply a serious want.

4. — *Sketches and Essays.* Reprinted by permission from the *Saturday Review*. William Blackwood and Sons: Edinburgh and London. 1873.

THE *Saturday Review* does not appeal to one’s sympathies. It is arrogant, carping, ill-tempered, and frequently ill-informed. Its criticism and its wit, like its sentences, are too much in one mould, monotonous even when most clever. It suggests fearful possibilities

of a literary future in which an average excellence of execution may satisfy the demands of respectable society, without creating or advocating a single idea, except the abstract one of negation. Nevertheless, when all has been said against the *Saturday Review*, and all its faults have been abundantly exposed, the fact will still remain that it has done a world of good. It has been a terror to literary impostors. It has elevated the standard of literary work. It has done much to break down the insular prejudice of English society and its belief in its own superiority. It has heartlessly ridiculed all the most deeply rooted convictions, all the most firmly established customs, of the British matron and of the county member. For this, the public owes it a debt of gratitude which may be all the more readily acknowledged by Americans, since, of late years, the tone it has adopted towards America has been quite as civil as it has held towards any other country, including its own, and a great contrast to that which English periodicals were used to adopt. Add to this the significant fact that English dicta are no longer regarded by Americans with the same respect or fear as of old, and it is reasonable to suppose that even a *Saturday-Reviewer* may count upon a very friendly reception among Americans.

Among the sketches reprinted in this little volume, whose author still persists in his incognito, are some which have already gone the rounds of the American press. That on "Weddings and Wedding-Presents" is one of these, and, although human memory is utterly inadequate to the task of recalling the contents of old newspapers, there is here and there an expression or a paragraph in several of the other sketches which has surely had a certain degree of vogue in American journals. But the four essays on London schools, with which the volume begins, are not familiar. The author appears to have been one of the sixty or seventy inspectors appointed by the Education Department in the spring of 1871 to visit and report upon the efficiency of the London elementary schools, some three thousand in number. His first sketch is an account of what he calls "adventure schools," where the teacher gained a livelihood by his or her vocation. A large proportion of these are "dames' schools," and his account of them is very suggestive and highly amusing : —

"There is no want of schools in the neighborhood, such as they are. In proportion to the poverty of the district is the number of day-schools. When a certain stage of pauperism has been reached, recourse is had either to keeping a mangle or a preparatory school, though which of the two is less productive we will not venture to say. The stock in trade required for the latter is very slight. The hire of a little room, or outhouse, or shed, at

3 s. 6 d. a week, two chairs, three low benches, four or five fragments of slate, and two torn spelling-books, constitute all that is necessary. The education of others is a last resource when all other means of livelihood have failed. The consequence is that the dames inveigh loudly against one another, and complain of the seduction of infants to their neighbors' back-kitchens. It is a generally received opinion that any place is good enough for children, and the opinion is one which is acted upon. The schools, however, of the poorer class perform a certain service in keeping their tenants out of the streets for five hours during the day. Many are baby-refuges, where there is hardly any question of instruction, and the old lady in charge very truly says that she is no 'scholar, and just teaches the alphabet.' Sometimes the whole of the front and back parlor is devoted to the purposes of teaching, and forty children may be seen propped up against one another, whilst in the middle, rolling about the floor, admirably fenced in by the barrier of elder children, are a dozen babies between one and three years of age, with their hands well fixed in each other's hair. Sometimes the room is a cellar, so dark that a little time must elapse before the eye gets accustomed to the want of light, and through the dirt and *débris* and bedding which encumber the entrance, a passage can be made to the school, which turns out to be the fender, upon which three miserable-looking children are sitting, unconscious of instruction, and playing with the cat."

The English are modest enough about their educational system, or want of system, and it is not for Americans to throw stones at them so long as their own glass house in the Southern States remains in its present shape. These sketches of the deplorable condition of primary education in London are, therefore, only curious as showing what a task the British government has undertaken in its attempt to construct a satisfactory mechanism for educating the children of the poor in its great cities. According to the new standard, all these dames' schools, with few exceptions, are to disappear. One would think that this would be an unmitigated blessing, yet it falls with crushing weight upon some two thousand teachers in London who at least deserve pity. "No small amount of interest," says the writer, "attaches itself to the dame who keeps thirty children out of the streets, and herself from pauperism, by her exertions, and who says without complaint that she supposes she shall go to the workhouse when her school is taken away from her." No wonder that their temper was sometimes ruffled. One is inclined to sympathize with the "infuriated woman with dishevelled curls who runs into the middle of the road and says that 'it is worse than the Inquisition, that it is outrageous, most outrageous, and that she well knows the tricks of government, whose desire it is to shut up all other schools in order to fill its own.'"

Of the other eight or nine sketches, all of which deal with national

customs or fashions in the usual tone of the Saturday Review, that on country-houses is to be cordially recommended to the American public. Addison and Irving have much to answer for in having spread a certain halo of sentiment over the intolerable dullness of an English country-house. The English themselves in their struggles to overcome this dullness have developed the style of festivity which is described by the reviewer, and which many Americans believe to be the ideal perfection of human society. But there are accents of truth in the description here given which, with all the acknowledged cynicism of the Saturday, must certainly come from the heart : —

“ Nothing, perhaps, is more trying to the nerves than the arrival [at the country-house], and the entry into a half-lit drawing-room, where through the fog can be seen dimly teacups and bonneted women. You search for your hostess in vain, and eventually discuss the dangers of your journey with your host, whom it is needless to say you have never spoken to before. After seeing four relays of women drink tea, the unhappy guest is conducted through innumerable catacombs, up countless stairs, down corridors like the galleries of a coal-pit, to what proves to be somebody else's bedroom. The search continues and is at last rewarded by success. More troubles may, however, attend him. A neighboring grandee has been waited for, and dinner does not take place till half past eight o'clock. . . . The ball takes place on the following evening. Hostesses declare that they must hold out some attraction and offer some excuse for the formation of a party. It is cruel to drag a man away from his business or his pleasures in order that he may take part in rational conversation, live with agreeable people, or see a beautiful country. He must either shoot away three hundred cartridges each morning, and thus retire to bed with a consciousness of a well-spent day, or he must be taken to a ball. . . . To shoot all day, to dance all night, and wear curiously colored stockings, will thus have been the occupation of the typical guest. Even should he share Mr. Freeman's views, self-defence will probably drive him into the shooting-party. The alternative is fearful to contemplate. Driven from his bedroom by the housemaids, from the library by the children of the house, the victim loses all presence of mind, and, after luncheon, is ultimately induced to accept, with apparent cordiality, the proposition that he should take a walk. Four girls and one chaperon, attended by the victim, whose trembling hands open successive iron gates, pace three times round the pond, or twice up and down the avenue, till, cold and muddy, he returns to find the same assemblage of women and teacups.”

And yet, “without a periodical influx of guests, an Englishman's house would not only be his castle, but also his lunatic asylum.” The ponderous English social system, now almost the only complete system of aristocratic society left in Europe, continues to *fonctionner* under these trying conditions, and Americans, even of the shoddy class, yearn for no social position more ardently than for that of an

inside spectator of the ducal or noble mansion. And they are quite right if they look at it as they look at the party-colored legs of the *guardia nobile* at Rome, as a curious and somewhat grotesque relic of a historical past, which deserves to be seen. Even in this case, however, they must always bear in mind a remark of Horace Walpole's which contained a profound social truth: "The most remarkable thing I have observed since I came abroad is that there are no people so obviously mad as the English. . . . If one could avoid contracting this queerness, it must certainly be most entertaining to live in England." The Saturday Reviewer, considering him as a type, has been struck like Walpole with the first of these facts, and if he succeeded in following Walpole's advice, and "avoided contracting that queerness," he would be less amusing than he now is.

5. — *Life of Thomas Jefferson.* By JAMES PARTON. Boston: J. R. Osgood & Co. 1874.

FROM 1783 to 1801 is the most interesting period in our history. Six years were passed in making a "hoop for the thirteen staves"; and then came the struggle between the past and the future, — between the old English theory of government by the educated and the wealthy, and the new French doctrine of the sovereignty of that mysterious entity, the people; wise, virtuous, and infallible by divine right.

The men who dealt with these grave matters were men of conduct and of rare endowments; men who presented a large variety of types of character, and had each a distinct and yet visible existence of his own. This is true not only of the grand figures in the front rank, but also of the *Dii Minores*, like Burr, Fisher Ames, Barlow, Pinckney, Gerry, Rutledge; very different in this respect from the *fortis Gys* and *fortis Cloanthus* class who occupy their places to-day.

It was our heroic age. The American Walter Scott, when he comes, cannot do better than to select this picturesque period for the great American novel that has so often been announced.

In the mean time Mr. Parton has made good use of the period in various monographs. His *Life of Aaron Burr*, in choice of incident, skilful arrangement, and lively narrative, is a model of its kind. It deserves the compliment paid by Dumas to Lamartine's *Girondins*; it is biography *élevée à la hauteur du roman*. Mr. Parton has not kept up to this standard of excellence in the *Life of Jefferson*, a republication from the "Atlantic Monthly." It may be said in his

behalf that when a man is condemned to the *travaux forcés de la littérature*, — *Anglice*, belongs to the chain-gang of a serial, — he can hardly be expected to get the same mastery of his subject, or to put the same finish in his work, as a writer who has his time and his tastes at his own disposal. This is true; but it does not excuse Mr. Parton for playing so often to the gallery with inflated rhetoric and spread-eagleism. We doubt if even the "gods" among his public were moved when they read that the Agricultural Society of France under Napoleon III. was "temporarily dishonored by the name of Imperial"; or were especially impressed by the magisterial bits of moralizing scattered here and there, like this on Tom Paine's convivial ways, which "lured him, perhaps, into habits that prevented his ripening into happiness and wisdom; for no man can attain welfare who does not obey the physical laws of his being"; or thought it in good taste to call the French negotiator in the X Y Z business "the head striker," or George III. "the hereditary Dunderhead," or to describe Galileo as "tried by tonsured savages," or to head a chapter with "Thomas Jefferson as a Sorehead." With the exception of the "Sorehead" these and many similar errors of taste have been allowed to reappear.

Equally reprehensible is the tone which Mr. Parton often adopts in speaking of the great characters he describes. Time has enabled us to see clearly in many places where our ancestors were groping and blundering in the dark. The historian writes as a superior being; but this advantage of birth does not warrant him in assuming a patronizing, half-contemptuous familiarity of manner towards those who were the best in their day. Even the shades of such men as Washington, John Adams, and Jay should be approached with respect. This kind of pertness, too common in daily journals, ought not to be admitted into books. Even in the republic of letters there must be some exclusiveness and distinction of classes. Let us pray that the newspaper reporter may be kept out of literature.

Mr. Parton has made the mistake as an artist of painting his angel all white and his devil all black. There are but two characters in his piece: Hamilton, the villain of the drama, the evil genius of America; and the godlike Jefferson, who overthrows him; and stands, all sweetness and light, upon his prostrate form, like St. Michael in Guido's picture. Mr. Parton's abuse of Hamilton is weakened by its exaggeration. He is "British Hamilton," "a limited and unwise man"; "excessively vain of his military prowess"; the "inevitable failure of a third-rate man in a first-rate place"; "a coarse assailant of a name hallowed by its association with the birthday of the

nation"; "a man whose history was a tissue of machinations against the liberty of a country which had not only received and given him bread, but heaped its honors upon him." "He can be acquitted of depravity only by conceding his ignorance and incapacity." His theory of government was "a means of curbing and frustrating the people's will." He opposed States rights because he was "born in a little sugar island, from which he had early escaped, and therefore unable to comprehend and sympathize with the hereditary love of the native citizen for the State in which he was born." And this is a reason given for his failure as a statesman: "I do not know enough of the laws of our being to explain the truth, but a truth it is, that the paramour of a Reynolds was never yet capable of founding a safe system for the guidance of a nation." "Immoral men may be gifted and amiable, but they are never wise." "He could be false to women for the same reason that he could disregard the will of the people. He did not look upon a woman as a person and an equal, with whom faith was to be kept, any more than he recognized the people as the master and the owner whose will was law. Original in nothing, he took his morals from one side of the Straits of Dover and his politics from the other." This kind of historical criticism is not very flattering to the intelligence and culture of Mr. Parton's readers.

Jefferson, on the other hand, is the perfect man, — great as a philosopher and a statesman; great in science, literature, music, and farming; the model husband, father, and friend. In the beginning of the century, one Abraham Bishop, of Connecticut, saw much in Jefferson's character and career that reminded him of Christ. Mr. Parton takes somewhat a similar view. "Jefferson," he says, "had few adherents among the rich and the educated. It is only the human race in general that is the gainer by the ideas of which he was the exponent." "Jefferson had more in him of that which makes the glory and hope of America than any other living creature known to us." Hero worship so unqualified naturally provokes contradiction. Rejecting as beneath notice all the stories of the "Black Sally" and "Atheist" class, let us consider what an *advocatus diaboli* might say in opposition to the proposed canonization of Jefferson.

Jefferson was kind in his home, and agreeable in society, in public life meaning on the whole to do what he believed to be right; a man to be envied for his sound health, his cheerful temperament, and his pre-eminent success. Jefferson and Franklin are among the very few men known to have expressed a willingness to lead the same life over again. Jefferson's serene self-complacency sometimes took on the

shape of a virtue. "His calumniators," he often said, "were not assailing him, but a being non-existent, of their own imagining, to whom they had given the name of Thomas Jefferson." But his own view of himself was quite as far from the real man as theirs. His sanguine disposition and his vanity made him feel sure that he was right. All was for the best, — at least, all that he did. His first impulse was to object to any measure which did not originate with himself, or had not been submitted to his judgment. Contradiction he could not bear. Opposition of any kind produced a bitter feeling that corroded his judgment of his adversaries and of their partisans. In France, Gouverneur Morris remarked that he was too fond of calling people fools when they did not agree with him. Throughout his life, Jefferson's opinions on most subjects were influenced by his feelings more than he dreamed of. Mr. Parton calls him "the man of feeling," as opposed to Hamilton, "the man of action." This radical weakness, a natural tendency to exaggeration in expression, and a fondness for antithetical and inflated rhetoric, led him to say many foolish things. He was a great phrase-maker, and loved the "jingling of formulas," like any second-rate French philosopher. Phrases were to him an argument, a proof, or an excuse, as the occasion might require. He fed his mind with them to the end. When an old man, several thousands of dollars were raised in New York and Philadelphia to relieve his wants. He accepted the gift with alacrity, saying, by way of apology for taking the money, "No cent of this is wrung from the tax-payer. It is the pure and unsolicited offspring of love."

His residence in France at the beginning of the great Revolution stimulated this infirmity. He talked the same wild stuff as the French radicals. "Were there but an Adam and Eve left in every country and that free, to repopulate it, it would be better than as it now is." "Rather than it (the Revolution) should have failed, I would have seen half the earth desolated." He believed that the French had discovered the philosopher's stone of social science, and that misery, sin, and ignorance were to be transmuted once and for all into virtue, happiness, and light. The recipe was so simple: take all the kings, aristocrats, and priests, kill them, and confide in the virtue and wisdom of the people. He dreamed, as they did, of elementary principles, social compact, natural rights of man, and the like *ignes fatui* of politics. He felt certain, as they did, of the truth of *à priori* deductions from what they called Pure Reason, of which the pasteboard and plaster goddess they set up and worshipped was a fit emblem. Congreve described reason better: —

“Reason, the power
To guess at right and wrong, the twinkling lamp
Of wandering life that winks and wakes by turns,
Fooling the follower ’twixt shade and shining.”

There may have been some excuse for vagaries in the electrified atmosphere of France; but what is to be said of the wisdom of the American who brought all these windy phrases home with him and tried to naturalize them, as if they were to work some wonderful and useful change in the only country where genuine liberty flourished, where “tyrants and despots,” whether “banded,” or “impious,” or “bloody,” had never existed; where, if to be “people” was to be “wise and virtuous,” all were wise and virtuous. He forgot having told his French friends that in America “the poorest laborer stood on equal ground with the wealthiest millionaire”; and that “of distinction by birth or body, our people had no more idea than they had of the mode of existence in the moon and planets.” But as in the old story of the shipment of warming-pans to the West Indies, the pans found a ready sale as dippers in the sugar-mills, so these canting phrases, utterly out of place in America, were eventually found useful as a means of flattering the lower classes, and of winning their votes. Some of them are yet in use and in tolerable repair, and go largely to make up stump-speeches. We still hear of the virtue of the people, as if we were not all of us the people, and of the wisdom of public opinion, as if the majority of mankind had the time, the temper, or the ability to get at the truth; and still “the future of human freedom depends upon our success in government.”

Jefferson made some excellent deductions from “reason.” He hated paper currency and national banking, and he objected to bounties for the encouragement of particular manufactures. He held that the “general government should be as small a thing as it can be without sacrifice of its efficiency”; “a few plain duties to be performed by a few servants”; “reduced to foreign concerns only.” On the other hand, he extracted from the same original source many theories that have led to mischief, of whose truth he felt equally sure; for pure reason and his reason were identical in his mind, just as, when he professed “entire faith in human nature,” he meant the human nature of the anti-Federal party; the human nature of the Federalists being of the fallen kind, totally perverse and corrupt. He argued for an elective judiciary; thought rebellion necessary to the health of a free country as a corrective or a cathartic; was in favor of taxing the rich only, and always insisted that one generation had no right to bind those succeeding to it. Constitutions ought to

become null and void, and the public debt to be wiped out at the end of whatever period should be ascertained to be the average duration of human life after the age of twenty-one. A corollary of this was, that dwelling-houses should be built to last only one generation. He introduced rotation in office; in the next generation it had grown to the shape of Governor Marcy's cynical definition, "To the victors belong the spoils." It has debased public life and given a flavor of knavery to the word "politician." And Jefferson is the author of the Kentucky Resolutions, "the bill of rights of nullification," as Calhoun called them, and, we may add, of secession. Jefferson Davis only carried out the doctrines of his namesake to the logical end.

Jefferson was a clever party manager. He saw the drift of popular government in this country, and placed himself at the head of the movement. But he was not a great statesman. He never fairly raised himself above Virginia politics; his views beyond were distorted by his dislike of New England, the *Vendée* of America, as his followers called it in their Frenchified jargon. What happened under Jefferson would have happened under any man sooner or later. Hamilton knew what was coming, but he was a statesman, who tried to mitigate the evils he foresaw. He was no monarchist; he was opposed to the tyranny of the majority, — a form of "banded despotism" Jefferson had not thought of. "Alas!" exclaims Mr. Parton, "he did not foresee the Manhattan Island of 1871." Hamilton had a dim, prophetic view of it. The Federalists can show, as the result of their twelve years of power, a great nation created and consolidated by judicious management, credit instead of bankruptcy, prosperity in the place of ruin. What are Jefferson's titles? He added Louisiana to the Union, and paid a high price for territory we must soon have had for nothing. Napoleon boasted of having received so large a sum "for what he had not got and might not be able to keep for twenty-four hours." Preble administered "a well-deserved chastisement to the Barbary pirates," but against Jefferson's express instructions. He hoped that "time and a more correct estimate of interest would produce justice in their minds." Even the Leander outrage did not ruffle this meekness of spirit which Mr. Parton praises as "rising superior to the pagan virtue of prompt resentment of injuries." And yet Jefferson bitterly opposed the Jay Treaty in Washington's time, when to reject it meant war and ruin to the unfledged nation, with the seven frontier posts in the enemy's hands. In this matter Mr. Parton himself condemns him: "Posterity's verdict is, that a President of the United States has seldom done an act more

difficult, more wise, or more right than the ratification of the Jay Treaty of 1794." The finances were also a vital question in the beginning. Jefferson's one idea on that subject was to oppose Hamilton. He never could or would understand funding the debt. He said that "Hamilton had purposely complicated the finances"; "the funds were a contrivance invented for the purposes of corruption." He maintained that the holder of certificates should receive from the government only the price he had bought them for, — a vulgar form of repudiation which has made its appearance again. Was a ruler of Americans very wise, whose especial aversion was merchants; who hoped the period was remote when many of his countrymen would be employed in manufactures; who thought the Supreme Court dangerous to freedom; the Cincinnati "lowering over the land"; a monarchy imminent; who represented himself struggling against a wicked aristocracy, and proclaimed liberty in danger and only to be preserved by "unremitting labor and perils" and by frequent rebellions? The truth is that there was no special strength in Jefferson's character or mind. He had an eager curiosity to know something of all that was going on in the world; he dabbled in *omne scibile* of his day, but he studied nothing thoroughly. He soon tired of a subject and turned to another. He was a smatterer of the dangerous kind who feel that they have arrived at truth. Believing firmly in his intuitions, revelations of reason, he never knew when the oracle was *medizing*. When he changed his mind he rearranged his principles or invented new ones. Were he living now, he would be a "sentimentalist," with remedies for the cure of all our troubles deduced from "principles of the purest morality and benevolence"; a visionary, impracticable, and mischievous; an uncompromising reformer and a philanthropest. He would advocate total abstinence and woman's rights, talk with Mill of the "unearned increment of land," harangue against capitalists and in favor of the eight-hour law, and insist upon the justice of paying off United States bonds in greenbacks, "the best currency the world has ever seen." There was also a strong dash of the frivolous, not to say foolish, in him. He objected to the use of Mr. and Mrs., and of petty titles like Deacon; "the small lingering absurdities of the feudal system," Mr. Parton calls them. He had also constitutional scruples against appointing days for fasting and prayer; and he proposed for the new territories such names as Chersonesus, Assenisapia, Metropotamia, and Pelispia, some of them inventions of his classical fancy.

His was not a progressive mind. Length of days did not teach him the folly of dogmatism in social and political questions. In his

old age, excited by the sermons of Dr. Channing, he "trusted that there was not a young man now born in the United States who will not die an Unitarian." And nine days before his death he shouted his old war-cry, "All eyes are opened or are opening to the rights of man." His sanguine temperament cheered him and misled him to the end.

Hamilton hit the mark when he said that "Jefferson had a womanish attachment to France, and a womanish resentment against Great Britain." Jefferson followed up his schemes with the headlong eagerness of women. Like them he had plenty of reasons, often illogical and inconsistent, for doing as he wished, and was sometimes not too scrupulous as to the means he adopted to attain his object. And like them he abused the privilege, generally granted to the sex, of changing their mind. Mr. Parton says, "it is permitted to every man to change his mind." No doubt. Time and experience act upon the views of men of sense; but is it usual for sensible men to hold and to express diametrically different opinions on almost every important question they have had to deal with? This, however, was the case with Jefferson. To begin with the most important. In early life he thought slavery wrong morally and economically, and said so openly and everywhere. His zeal began to cool when a new view of the advantages of the system sprang up in the South. Chasteleux asked permission to publish a translation of the "Notes" in France. Jefferson consented, provided that all passages relating to slavery should be omitted. Thenceforth he ignored the claims of the American black man to a share in the "natural rights of mankind," thought him an inferior being, and left his case "to an overruling Providence." The prohibition of the importation of slaves after 1808 was not opposed by the planters, because it would increase the price of the home-made article. Jefferson could safely approve of it, and he did so with his usual warmth. With that exception, he was silent on the subject while President. When the irrepressible controversy broke out again on the admission of Missouri, he took the Southern side. Opposition to the extension of slavery was insincere, a mere device of party, an election trick. He was for making a slave State of Missouri. It would increase the comfort of the slaves, without adding one to their number; it would even improve their chances for emancipation. It would also help Virginia, by enabling her to export her excess of negroes, and perhaps in time to dispose of them all. And also in minor matters his opinions veered with his feelings. Measures that seemed praiseworthy to him when a private citizen appeared pernicious to the Secretary of State or to the President. In Paris

Jefferson had recommended the English form of government to Lafayette as the best existing ; a few years later his most violent accusation against the Federalists was their preference for the English form. Admiration for France was then an essential article of the Democratic creed ; but when France sided with Spain in the dispute on the boundary line between Louisiana and Florida, Jefferson took offence, and proposed to Madison an alliance with England against Spain. His plan was to seize the Floridas and send out cruisers against the commerce of Mexico. Cuba he thought would probably add herself to our Confederation. Madison was wiser, and objected. Six months later, Jefferson accused John Randolph, who had deserted the party, of holding the intolerable heresy of a league with England.

Jefferson objected to the new Constitution of 1789 that it contained no provision for the "eternal and unremitting force of the Habeas-Corpus Act," and for the freedom of the press. When Burr was arrested, Jefferson wished to suspend the Habeas-Corpus Act, and had a bill to that effect passed by one branch of Congress ; it was lost in the other. Once in the security of private station, he got off this characteristic antithesis : "If I had to choose between a government without newspapers and newspapers without a government, I should prefer the latter" ; but when, in his turn, he was made to feel the incessant pricking of the quills which, with his connivance, had goaded even Washington out of his self-control, he could not help saying, that "a suspension of the press would not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood." So, too, the Sedition Law, when Adams was President, was entirely unconstitutional ; when Jefferson succeeded to the throne, he pardoned all who had been convicted under it, and presented Callender, who had libelled Mr. Adams, with fifty dollars. Before his own term of office was over, he attacked the Federalists with impeachments and libel suits.

Jefferson had said, "The sea is the field on which we should meet our European enemy." "We can always have a navy as strong as the weaker nation." But when the New-Englanders, those bitter Federalists, who lived by foreign trade, wanted a fleet to protect their merchantmen, he took a strong dislike to the naval service, condemned the use of the navy by Mr. Adams, and proposed to sell the public armed vessels. Finding, however, that the maritime tastes of the nation were too strong for him, he hit upon the plan of a land navy as the nearest approach to no navy. He devised a fleet of gunboats, to be hauled out of the water and kept under sheds until wanted. This amphibious scheme was too much even for his followers. He

was forced to send a squadron against the Barbary pirates; but he ordered the officer in command not to overstep the strict line of defence, and to make no captures. Preble, who had no constitutional scruples, settled the question of an American navy in spite of him.

He was once opposed to immigration. He said that foreigners, coming as they did from absolute monarchies, would either bring with them the principles imbibed in early youth, or else go too far in the opposite direction. "It would be a miracle were they to stop precisely at the point of temperate liberty." It would be better for the nation to grow more slowly, and have a more "homogeneous" population. Words of wisdom! but when he found that the newcomers all voted the Democratic ticket, he proposed shortening the term of the naturalization laws from fourteen years to five. In 1785 he went abroad to negotiate commercial treaties with all Europe. He talked even of opening a market in the neighboring colonies by force. Later he advised his countrymen to abandon the sea, and let other nations carry for us. He objected to internal improvements, and he sanctioned the Cumberland road. His excellent principle of strict construction of the Constitution did not prevent him from buying Louisiana. He made the Russian mission for his friend Short, although he had repeatedly declared that the public business abroad could be done better with fewer and with cheaper ambassadors. Toleration he always earnestly preached; but when he was interested in the University of Virginia, he wrote: "In the selection of our law professor we must be rigorously attentive to his political principles." And, to close this long list of somersets of opinion, although in a public address he had stated that he considered it a moral duty never to engage in a game of chance, or to subscribe to a lottery, he petitioned the Legislature of Virginia for permission to dispose of a farm he could not sell by a raffle; and in his petition he gave a catalogue of his public services as a reason why his request should be granted. Bulwer once said, "Money is character," meaning not exactly that "an empty bag cannot stand upright," as Franklin put it, but that a man who always spends more than his income, and is financially out at the elbows, must be deficient in "character." This was Jefferson's condition. He indorsed for his friends; they eat him out of house and home. He had to sell his library, and put his land up in a lottery. He lived habitually beyond his means, although he "kept a minute account of his expenses with scrupulous care." Agriculture, which he really liked, if we can believe his repeated protestations, he did not understand. He mismanaged his plantations; and year by year ruin and decay grew upon him. He died insolvent.

Mr. Parton has written again and again: "Never was the downfall

of a party more just or more necessary than that of the Federalists." "Nearly every important thing they did was either wrong in itself, or done for a wrong reason." His unconscious admissions confute his sweeping condemnation. He says in his Preface: "In France the politics with which he (Jefferson) was in the warmest sympathy resulted in organized massacre and fell Bonaparte; and the party which he led in the United States issued at the South in armed rebellion, and in some portions of the North in the rule of the Thief." Thus, then, was fulfilled what was spoken by the prophets of the Federal party. Again: "It was a Federal doctrine that intelligence and virtue must rule"; and we are asked to note "that Jefferson wished to bring in the whole intelligence and virtue by suffrage." Was the Jeffersonian plan of carrying out this sound Federal doctrine judicious? Here is Mr. Parton's answer: "We must now accept it as an axiom that universal suffrage, where one third of the voters cannot read the language of the country they inhabit, tends to place the scoundrel class at the summit of affairs." We may remark that the Federalists would be much too wise to imagine, as Mr. Parton does, that it would improve matters to include women in the poll list. In another place we read: "Let it be noted that the first Democratic administration paid homage to the higher attainments of man, and sought aid from the class furthest removed from the uninstructed multitude." Mr. Parton dislikes the "uninstructed multitude." He objects to Hamilton's qualification of \$1,000 for voters, but is in favor of a reading-and-writing test. The money test is a rough and simpler way of arriving at the same result. Hamilton's bank meets with Parton's sternest censure, as a great engine of corruption; but he speaks of our national-bank system, an overpowering aggregate of engines of that kind, as "a most exquisite device of finance." Hamilton himself he consigns to the bottomless pit, although he admits "his honesty and disinterested conviction"; praises "his tact, forethought, and fertility in organizing the Treasury system," — always the object of Jefferson's attacks. He also tells us that "Hamilton was flattered ceaselessly by the bar, the bench, the college, the dining-room, pulpit, and bureau"; in other words, that all the learning, culture, experience of life and of business, all the wealth and respectability of the country, were on his side. Hamilton might plead these extenuating circumstances in mitigation of the harsh sentence of his judge.

Mr. Parton has certainly not found the key to those interesting times. He shows no grasp of his subject. We have a series of clever pictures more or less in the style of the period, but the history of those days is still to be written.

6. — *La Procédure de la Lex Salica*. Par R. SOHM, Professeur à l'Université de Strasbourg. Traduit et annoté par Marcel Thévenin, Répétiteur à l'École des Hautes Études. Paris. Librairie A. Franck. 1873.

PROFESSOR SOHM'S little work on the Procedure of the Salic Law appeared in 1867, when its author was still *privat docent* at Göttingen. Its workmanship was so masterly as to attract immediate attention in Germany. Its author became professor at Freiburg in Breisgau, where he published the larger work on the Frankish Political and Judicial Constitution, which has placed him fairly at the head of his profession. Neither work appears yet to have excited attention from English writers, — except from Professor Stubbs, who uses the *Gerichtsverfassung* in his new Constitutional History, — although no class of persons are likely to profit more by an acquaintance with them than English historians. The task of spreading the influence of Sohm's investigations beyond Germany has therefore been assumed by M. Thévenin, who, with M. Gabriel Monod, M. Auguste Longnon, and a small body of scholars centring in the École des Hautes Études at Paris, is offering great promise for the future of honest scholarship in France, which, in the field of history, has of late been low enough. M. Thévenin has had to struggle with no small difficulties in rendering the terrible periods and German archaisms of Professor Sohm into intelligible French, but he has succeeded so well as to enable the student to dispense with further labor on the German original in perfect confidence that the idea is clearer in the clearer medium.

The Lex Salica was the law of the Salian Franks when they dwelt on the banks of the Meuse and Scheldt, in the fifth century, before Clovis had yet risen to place them at the head of a new empire, and to bring them within the influence of Christianity. It is written in barbarous Latin, with an old German gloss now only partially intelligible. It was first reduced to writing about the year 470 or 480, and at that time had a strongly marked archaic character, which vanished so rapidly under the sudden stress of political development that within fifty years afterwards its most archaic features had already become obsolete. As it stands, it is the most perfect type that has been preserved of that German system of archaic law which not only prevailed in Germany itself until the fourteenth century, but held sway in Scandinavia, in England, Iceland, France, Italy, — in short, wherever the German race, throughout the Dark Ages, set its conquer-

ing foot. It was this system under which law was administered in England for seven centuries until the Plantagenets succeeded in substituting a better in its place. The earlier law was, however, the common law of England during a longer period than has elapsed since the change, and the law and procedure substituted by the Plantagenets was, in its origin, not law, but pure equity, administered by royal courts of equity, though it is still strongly marked by characteristics of the old common law which it overthrew. English historians have done little to clear away the darkness which rests on this portion of their history. Perhaps in time they will wake to the necessity of at least translating the commonest German books which bear on the subject; not the flighty and diffuse essays of Von Maurer, but the "*recherches patientes qui témoignent hautement de cette continuité d'efforts et de cette discipline qu'on sait être les conditions indispensables à l'établissement et au progrès de toute science*," as M. Thévenin says in his Preface; the books of Sohms and Brunner, Thudichum, Heusler, and so many other German scholars. Meanwhile, for such students as wish to get a general idea of the nature of Sohms book on Salic Procedure, the following abstract may be of use. But it must be fairly understood at the outset that Sohms deals here strictly with the procedure alone, and sets an example against loose theorizing which it would be rash not to imitate.

Three forms of procedure appear specially prominent in the Lex Salica. Two of these are simple forms; one is double, or composite, combining the characteristics of both the others. The first of these is called by Sohms the (1) Executive Procedure. It is directed to the summary satisfaction of a private right. It is an *ex parte* proceeding, and does not require the intervention of a judgment by a court. It is, in fact, private redress subjected to legal forms, but still betraying its origin. Sohms, following and improving upon many previous investigators, has reconstructed this procedure from more or less fragmentary allusions under three separate heads of the Lex Salica; first, the Cap. 50, *De fides factas*, which appears to regard the enforcement of simple, unilateral, formal contracts; second, the Cap. 52, *De rem prestitam*, which concerns loans; third, the Cap. 45, *De migrantibus*, which recounts the legal steps by which any member of a village community may prevent any new-comer from acquiring a legal residence within that community. No other actions are mentioned as coming under the Executive Procedure.

The composite or intermediate form is called by Sohms the (2) Procedure for the Vindication of Movables, or, in other words, for the recovery of property lost, when found in strange hands; in effect it

is equivalent to a civil suit for the recovery of stolen goods, combined with a criminal action against the thief or receiver.

Finally the (3) Judicial Procedure is the criminal procedure of the *Lex Salica*. Unlike the executive, which is mainly extra-judicial, this procedure aims at first and throughout at establishing judicial proceedings before the court.

There is also in the Salic Law the summary process of punishing the thief caught in the act ; but it is to be observed that the *Lex Salica* knows no real action. Land was not yet recognized as property subject to legal process. This recognition only took place in the latter part of the next century.

1. *The Executive Procedure*. For the sake of clearness it may be assumed that this is a suit for the recovery of a debt formally contracted, and is to be followed out under the provisions of *Lex Salica* 50, *De fides factas*. It begins then with :—

a. *The Testatio*. The suitor, accompanied by three witnesses, goes to the house of his debtor and demands payment. This summons (*testatio*) is a formal act ; it must include a specification of the debt ; as a formal act it entails a penalty for its misuse, or for disobedience. The defendant has no alternative but to obey it, and pay the debt ; or to refuse to obey, in which case he incurs a fine for the disobedience.

b. *The Mannitio*. On a refusal of payment, the suitor summons his opponent before the hundred-court (*mallus*) and its presiding officer, the hundred-man (*tunginus*). The mannitio is here used as a formal act, not to originate judicial proceedings in the hundred-court, which is its purpose in the judicial procedure, but to arrive at the next formal step :—

c. *The Nexti Canthichio*. In other words the procedure seems to assume that the defendant will not appear in response to the mannitio, and that the next formal step will follow as a matter of course. This is, however, one of the obscure parts of the subject. Sohms is clearly of the opinion that the defendant might appear and plead, in response to the mannitio.* He might object either to

* Sohms is less satisfactory than usual when he touches upon this question of the rights of defendants. The following sentence is an example of a fault rarely found in his writings : "Die unterliegenden Verhältnisse, welche von den positiven Voraussetzungen für die Wirksamkeit des Formalacts ausgeschlossen sind, sollen durch das Vorgehen der Gegenparthei ihre negative, zerstörende Macht zu üben im Stande sein." M. Thévenin has struggled with this sentence with the following result : " Tandisque l'élément positif des rapports juridiques servant de base au procès n'exerce aucune influence sur la vertu de l'acte formel, l'élément négatif, par la comparution de la partie adverse est mis en demeure d'annuler les suites de

the form or to the substance of the claim. Bethmann-Hollweg, who has since gone over the same ground, is of opinion that the defendant might here deny the debt with the usual oath. He also calls attention to the fact which Sohm had overlooked, that in the case of the *homo migrans* the defendant has the right to produce here the royal rescript, which bars the suit. Sohm has since, in his *Gerichtsverfassung* (p. 62, n. 14), noticed this oversight, though M. Thévenin in his notes has not referred to the point. It may therefore be assumed that the *mannitio* does here, as well as in the judicial procedure, establish a regular judicial process in court, that is, "allows the underlying circumstances to exercise their negative, destructive power," although the normal, usual result may be merely executive, and not attended with contradictory proof, nor specially directed to obtaining a judgment of the court. If, therefore, the defendant fails to appear, or can offer no objection, the complainant proceeds to make oath with his witnesses as to the formal correctness of the preliminaries, and then addresses the *tunginus*: "I call on you, *tunginus*, that you strictly oblige (*nexti canthichius*) my adversary" to satisfy the claim set forth. The rigor of the formal act compels the *tunginus* then to declare his *bann* against the debtor: "I strictly oblige (*nexti canthichio*)" him to what the law commands. The next formal act follows:—

- d. *The Solem collocare*. After the complainant has given public notice (*testatio*) in the *mallus* that his opponent be restrained from disposing of any property before he has satisfied this immediate claim, he instantly proceeds with his witnesses to the debtor's house, and calls (*rogat*) upon him to pay. If the demand is not met, the complainant waits with his witnesses till sunset (*solem collocat*), which adds three *soldi* to the debt. He then waits a week, and repeats the same formal demand, with its accompanying delay till sunset. Another week must then elapse, followed by a third *solem collocare*. The debt is thus increased by nine *soldi*.
- e. *The Pignoratio*. Only after careful observance of all these forms can the suitor proceed to distrain. This is not a judicial, but a private act. The complainant proceeds with his witnesses to his

l'acte formel." The private execution or distress which Sohm characterizes as one of the most archaic institutions of the Salic law continues to exist down to this day, in the common law of England, in a form more archaic than that of the *Salians*,—a form which requires no preliminary notice, summons, or authority from a court of law. The English lawyer would be tempted to maintain that the *mannitio* of the *Salians*, with its resulting privileges conferred on the defendant, was only a Frankish innovation upon the more archaic form of distress.

debtor's house, and there seizes (*pignorat*) a sufficient amount of his personal property to satisfy the debt. If not enough property can be found for this purpose, it would appear that the debt remains unsatisfied. The creditor cannot proceed against the person of his debtor. It is probable that the debtor might at the last moment, by a formal display of resistance, stop the distress. In this case a new term must be fixed, and a judicial process inaugurated. It is also probable that even after the distress the defendant might take advantage of any illegality or oversight on the part of the complainant, to bring a judicial action against him *quia male pignoraverit*.

2. The Procedure for the Vindication of Movables is more complicated, because it combines both civil and criminal procedure in one. It is a curious phenomenon in legal history, and offers a striking example of the effort of archaic law to adapt its procedure to the nature of the complaint, instead of including the greatest possible variety of complaints within one procedure. It stands, relatively to the others, as the connecting link between the executive procedure, which still bears the stamp of a society that has no courts of law, and the judicial procedure, which is to furnish the type of the next development in legal history. Its forms begin with, —

a. *The Vestigium minare*. As no special police system existed among the Franks, neighbors were by law obliged to assist in the search for lost or stolen property. When, therefore, any man discovered that his slaves, or cattle, or other property were missing, he summoned his neighbors to follow the trail (*vestigium minare*). They had a general right of search wherever the trail led. Any one who impeded or molested them was liable to a heavy fine. Any one who refused to allow their right of search within his house was, by law, regarded as the thief.

b. *The Anefang*. The owner is assumed to discover his property. He at once lays hand upon it (*mittat manum super eum*). This is the anefang, the first step in every vindication. The formal force of the anefang obliges the possessor either to surrender the property on the spot, or to become party to proceedings before his hundred-court. Moreover, the refusal to surrender entails a fine.

At this point the procedure is regulated according as the anefang has taken place either before or after the lapse of three days from the time of the loss. If three days have not yet elapsed, the claimant has the right to take the conduct of the case by proceeding to the next formal act: —

c. *The Agramire*. This is an obscure and difficult part of the pro-

cedure. *Per tertiam manum agramire* is rendered as "a promise to perform the acts which the rules of the third-hand procedure impose." The "third-hand procedure," according to Siegel and Sohm, is the procedure which allows the defendant to vouch his auctor into court; that is, the third hand, from whom he obtained the property by lawful transfer. The agramire in this instance, however, where discovery has been made within three days, is considered by Sohm as having the object of excluding precisely this third-hand procedure. The defendant, where the right to agramire is given to his opponent, cannot vouch in his auctor. The agramire in this instance, therefore, means "a promise which compels both parties to perform the acts which the law prescribes."

- d. Both parties are then obliged to appear in court; but the claimant, having in this case the presumption in his favor, has in the agramire the advantage of position. According to Sohm, he is not obliged to offer any proof whatever. Bethmann-Hollweg, however, maintains that the agramire of the complainant was a promise to make oath with three witnesses that the lost property was in his possession within three days before the anefang.* Both Sohm and Bethmann-Hollweg seem, however, to agree that in the face of this procedure the defendant is powerless. He has no means of arresting execution. He cannot, if Sohm is rightly understood, plead even an irregularity of form. He must either surrender the property on the spot, and pay a fine for disobedience to the anefang, which included the fine for theft; or he must refuse to surrender, in which case the procedure terminates with the nexti canthichio and private execution, as before.

The process ends summarily in this case, without judgment or proof. But if the proprietor fails to lay hand on his lost property within three days after the loss, the legal presumption is in favor of the possibility that the defendant has acquired the property by lawful transfer, and therefore the law confers on him the right to agramire, and with it the right to conduct the case. He may now vouch his auctor into court. Or, if he cannot find his auctor, or has no proof of his title, he may still, by giving up the property, purge himself

* Compare the Year Books, 21 & 22 Edward I. A. D. 1294 (pp. 466-468): "Note that where a thing belonging to a man is lost he may count that he (the finder) tortiously detains it, &c., and tortiously for this, that whereas he lost the said thing on such a day, &c., he (the loser) on such a day, &c., and found it in the house of such an one, and told him, &c., and prayed him to restore the thing, but that he would not restore it, &c., to his damage, &c., and if he will, &c. In this case the demandant must prove by his law (his own hand the twelfth) that he lost the thing."

of the theft, with the proper oath, and so escape the fine. If he is able to resist both claims, he proceeds thus :—

e. *The Contravindicatio.* As already said, the defendant pronounces the agramire. Both parties appear in court together with the disputed property. In response to the claim of the plaintiff, the defendant may now advance one of three pleas :—

1. He may assert original title by virtue of his own manufacture or production. Three witnesses are required as formal proof of original production.

2. He may produce his auctor ; the person from whom he received the property, either by sale or gift, as loan or pledge. The auctor then stands in his place and is bound to produce his own auctor, or other proof. The law grants the bona fide purchaser redress against his auctor, or his auctor's heir ; but it is not stated whether the plaintiff in this action could recover more than his capital.

3. He may prove inheritance. In this case he must produce three witnesses to prove that the disputed property was a part of the inheritance (*in alode patris*), and three other witnesses to prove that it was rightfully there. This is analogous to vouching in the auctor, with the difference that the party from whom the inheritance comes is to be represented by the heir.

3. The Judicial Procedure, exemplified in criminal cases, aimed throughout at obtaining a judgment from the court. It began with :—

a. *The Mannitio.* The complainant goes with his witnesses to the defendant's house and summons (*mannit*) him to appear "this day fortnight," or at some like term, before the hundred-court to answer such and such a complaint. In the absence of the party, the summons may be addressed to a member of his family. It is to be observed that this judicial mannitio differs from the executive mannitio. The latter aims at forwarding the next executive formal act, though without excluding the defendant from proof if he has it to offer. The former aims principally at bringing the defendant before the court in order that he may plead to the claim or accept the judgment. The judicial procedure does not act *in contumaciam*. Failure to obey the mannitio and to appear on the appointed day entails a heavy fine upon either party unless he pleads an essoin (*sunnis*). Lawful essoins are : the king's service ; sickness ; the death of a near relation ; or fire which has left the party homeless.

b. *The Tangano.* Both parties having appeared in court, the com-

plainant states his complaint with the utmost exactness. He then calls (*hic ego te tangano*) upon the defendant to repeat the charge, word for word, thus compelling either absolute denial or absolute confession. Sohм is of the opinion that with the confession a plea (e. g. of payment) might be united. Apparently, too, the defendant may here object to any irregularity of form. The statement and answer being completed, the plaintiff turns to the bench of *rachimburgi* (*schöffen, échevins*). These are, according to a probable suggestion of Bethmann-Hollweg, twelve in number, of whom seven, the majority, are necessary for a judgment. The complainant calls upon them to propose a judgment, using the formal *tangano* if necessary.

- c. *Lex dicere.* The judgment thus proposed by the *rachimburgi* in no way expresses their convictions on the merits of the case, but adheres with the utmost exactness to the superficial forms. If the defendant has confessed, the judgment fixes the amount of his fine. If he denies, the judgment determines how the question of proof is to be decided. (*Aut componat, aut juret, aut ad in eo ambulet.*)
- d. *The Contradictio.* The party who may think the proposed judgment contrary to the law must immediately challenge it (*contradicere quod legem non judicant*). This originates a suit against the *rachimburgi*, pending which the original suit remains in abeyance.
- e. *Fidem facere.* If neither party challenges the proposed judgment, and it is now formally accepted by the assembled freemen who constitute the court, and has thus become the judgment of the court, the defendant must proceed to make oath or give surety (*fidem facere*) that he will perform the judgment on the appointed day.
- f. *The Proof.* (*Jurare. Ad in eo ambulare.*) If the judgment is a judgment to proof, it prescribes the kind of proof. There are two kinds: oath, and ordeal of boiling water. Ordeal of battle is nowhere suggested. The law fails to say what rules regulated the judgment in requiring ordeal rather than oath. A man condemned to the ordeal may, however, "redeem his hand," and, by paying a certain sum, obtain the privilege of offering proof by oath. On the appointed day the defendant appears; if his proof is successful, whether oath or ordeal, he is acquitted, unless the oath is challenged, in which case another action is originated. The ordeal cannot be challenged; it is the only final and indisputable proof. If the proof breaks down, the fine to be paid is already indicated in the judgment.

The course of this procedure depends upon the voluntary acceptance

by the defendant of the jurisdiction of the court. But it is conceivable that the defendant may refuse to appear in court at all; or having appeared, may refuse to give the pledge (*fidem facere*) to perform the judgment; or having given the pledge, may refuse to carry it out.

In the last case, where the defendant by his formal act (*fidem facere*) has voluntarily contracted the obligation to fulfil the judgment, and then fails to appear at the fixed term, the claimant may proceed against him to a judicial execution. This is a different form from the executive execution or distress, inasmuch as it requires the co-operation of the sheriff (*graf*). On the non-appearance of the defendant to fulfil judgment, the claimant waits till sunset with his witnesses (*solem collocat*). The defendant is by this formal act put in contumacy (*jactivus*), and his prosecutor next goes to the sheriff. After the usual declarations to the formal correctness of the past proceedings, the complainant calls upon the sheriff for execution. The sheriff must now go with seven assessors to the delinquent's house, and seize enough of his property to satisfy the law; two parts of the amount seized go to discharge the private claim; one part goes to the king. If the personalty is not sufficient to meet the demand, the claimant remains unsatisfied. Land, though perhaps already recognized as property in fact, is not property in view of the law, and not liable to execution. The person of the debtor is liable to seizure only in the action resulting from manslaughter, for recovery of the blood-money or *wergeld*.

But the accused may refuse to submit himself to judgment at all. He will then decline to take the preliminary obligation (*fidem facere*). This offers another curious illustration of archaic principles. The claimant has against this refusal no redress at law. The law is only for those who voluntarily accept its jurisdiction. The complainant cannot proceed to private execution or distress; he cannot oblige the sheriff to a judicial execution. He must resort to equity, or at least to such rudimentary equity as the age knows. He must go to the king himself, sitting as a judge in equity; and if he does this with the proper forms, at no little trouble and expense, the king will at last declare the delinquent an outlaw, the effect of outlawry being to give all the outlaw's property to the king and his person price to his enemies. But the outlawry punishes the contumacy, not the original offence. The complainant remains without satisfaction at law, unless the outlaw may choose to submit. In other words, archaic law aims first at bringing the individual into submission to its process; the satisfaction of a private wrong was only a secondary result.

Space is wanting for any further examination of Professor Sohms

work. A mere reference is all that can be made here to the two forms of procedure which alone restrict the personal freedom or endanger the life of the freeman: the one, against thieves caught in the act; the other, against the criminal condemned to pay the *wergeld*, or blood-fine, and unable to raise the money. The law itself never condemns to imprisonment or death; its action is limited to surrendering the criminal into his enemies' hands.

The book closes with a rapid sketch of the steps by which the more archaic, private procedure fell into disuse, and all actions, civil as well as criminal, were brought within the more elastic judicial process. To the original volume M. Thévenin has added, by way of appendix, monographs extracted from Sohm's larger book on the *Gerichtsverfassung*, illustrating certain important points of Salian law.

It need hardly be said that Sohm's books are not intended for amusement. They are undeniably hard reading, even for specialists. They aim at establishing the exact basis of history. It is the business of the future historian to popularize their results. But the future historian of early English society and law who undertakes to write without having first mastered the works of Sohm and his German critics will throw his labor away.

7. — *The New Chemistry*. By JOSIAH P. COOKE, JR. D. Appleton & Co. New York.

THE latest publication of the international scientific series is a small volume, with illustrations, containing thirteen lectures, by Professor Cooke, of Harvard University, which were delivered before the Lowell Institute in Boston, in the autumn of 1872.

The design of the author, as stated by himself, is "to bridge over the gulf which separates the old chemistry from the new. To explain the principles upon which the new philosophy is based, and to show in what it differs from the old." He has, undoubtedly, been led to his choice of a subject by the desire of bringing into an available form the wealth of new facts, which lies buried in the chemical journals of the last ten years, and which has not been presented to the English public in an adequate manner by any popular scientific book, nor indeed, in great part, by any book whatever.

The scope of this work may be gathered from the statement that it begins with Sir William Thomson's speculations regarding the size of molecules, and carries the reader through an account of the most important achievements of modern chemistry down to the production

of artificial Alizarine, the most important of the madder dyestuffs. It leads him from the simple law of Avogadro by a logical train of reasoning to the theories which enable chemists to dissect and map out the structure of the most complicated organic compounds; and it is high praise to say that the author has succeeded in adhering to the simplicity and unconventional treatment demanded by a course of popular lectures, while he has developed his subject with great clearness, with considerable detail, and, above all, with the most conscientious truthfulness.

The experiments are varied, well chosen, and well described by means of plates, and some of them will furnish new modes of illustration to other lecturers on the same subject.

The teacher will find this book an important aid in the arrangement and presentation of his subject. He will recognize the art of the experienced instructor in the useful reiteration of the more important facts, and in the clearness of the explanations; while the student may use this work as the best guide to the modes of thought in modern chemistry, which has yet appeared in an abbreviated form. The atomic theory, which is usually held at present by scientific men, is adopted, without a discussion of the divergent opinions of Deville and of Sir B. Brodie; and the author treads with peculiar predilection on the ground which lies between the chemical and the physical sciences. The most important laws derived from chemical experiments are defined; some of the principal chemical processes, such as combustion, are described; the theory of explosive compounds is dwelt upon at length, and the mode of expressing theories of chemical structure by means of formulæ is treated with precision and thoroughness.

The electro-chemical theories, too often neglected at present, are developed with much force and ingenuity of treatment. The book may be considered a worthy summary of the principal ideas of the new chemistry, and there are few important omissions to be noticed.

Under the latter head is to be regretted the absence of any special treatment of Deville's work upon dissociation, since his observations form the complement of some of the most important laws of chemical combination. No digest is given of the work of Julius Thomsen, Favre, and Berthelot upon heat as a measure of chemical activity, the table on page 186 and the other notices in that part of the book being insufficient to give an adequate idea of the discoveries in this field, — discoveries which, together with the facts in regard to dissociation, are particularly necessary to complete our conception of the phenomena of combustion, especially that of explosive compounds. Disregard of these recent publications seems to have led to the repetition on pages 178 and 181 of the old dictum, that analytical (destructive) reactions

are attended with absorption of heat ; synthetical reactions with evolution of heat. The fallacy of this law is illustrated by one of the cases which the author has cited as an example of an analytical reaction, namely, the spontaneous decomposition of Iodide of Nitrogen. This body is similar in constitution to Chloride of Nitrogen, for whose capacity for evolving heat see Berthelot.

The satisfaction implied in the remarks on page 13 regarding the beauty of the chemical nomenclature, which is used at present, is probably intended to apply chiefly to inorganic chemistry. A word surely would not have been out of place in criticism of a system which gives us such names as gammatetraalphanaphtolhemianhydridpyromelithenic acid. Nor is the nomenclature of inorganic chemistry without reproach ; want of agreement among chemists, some of the most modern of whom would not accept Professor Cooke's definition of an acid or a base, and the undue assumption of knowledge in regard to the structure of bodies, which occurs in the works of Dr. Frankland and of other chemists of the same school, have probably discouraged mineralogists and technical chemists from attempting to express their ideas through the medium of the latest theories.

Professor Cooke deals much with theories in these lectures, but they are used with care and judgment, and they are introduced to the popular reader with the sober caution to regard them only as guesses at truth, and to trust only the facts of the science, since they alone are immutable. A caution, it may be remarked, which is too often little heeded by popular writers of another class, who seek a foundation for their edifices upon the back of some scientific whale, mistaken for an island, until a submergence like that of Sindbad and his companions destroys their illusion.

The author maintains throughout the book the lecture form, with its vividness of expression ; and the exhaustive treatment of the subject, upon which he has ventured, betokens a confidence in the training of his audience in scientific matters, which is worthy of notice. The book is dedicated to John A. Lowell, LL. D., with an acknowledgment from the lecturer that he derived, when a boy, his taste for science from the early lectures of the Lowell Institute, which have been continued for more than thirty years. It is about ten years since a course of popular scientific lectures was instituted in Paris, in the great amphitheatre of the Sorbonne, and some two thousand people were unable to find entrance ; but even in that home of science the treatment is more superficial, and probably it is only with the lectures before the Royal Institution in London, which is in reality a scientific club, that these courses of the Lowell Institute can be compared.

8. — *Holland House*. By PRINCESS MARIE LIECHTENSTEIN. Macmillan and Company. 1874.

WHEN we hear of a book on Holland House, our curiosity is naturally roused, and our interest excited; a vision of delightful reading is conjured up. Such a book must contain many pages of pleasant gossip; we shall find anecdotes hitherto unknown about the brightest names of the last century, and fresh details concerning contested points in the domain of literature and art. To literature and fashion Holland House appeals in a special manner. Much of its success and celebrity it owes to its position, which has aided it far more than even the cultivation of its owners. Situated in Kensington, within half an hour's drive of Hyde Park Corner, it is, for the purposes of society, in the centre of London. Ham, Sion, Chiswick, and Strawberry Hill are all in comparison in the provinces. Northumberland House and Grosvenor House have gardens, but they are gardens which attract attention only because they exist in a place where a square yard of soil unbuilt upon proclaims the fabulous wealth of the owner. No house but Holland House enjoys the luxury of an avenue, or stands far enough away from the noisy thoroughfare of the city to enable the visitor to indulge in the illusion that he is in the country. The estate has been greatly diminished, the hares and partridges have long ago fled, but there are tall trees and vistas of lawn which convey an impression quite distinct from that which is produced by the scene of any other London breakfast in the month of June or July. Such a subject as this, teeming with delightful associations, or at any rate believed to do so, should have been treated in one of two ways, either as a *livre de luxe*, such as Sir William Stirling Maxwell would have edited, and which every library must have owned, and which this, either in its quarto or octavo form, is certainly not, or as an unpretentious memoir of the Holland family and its collateral gossip. As it is, we must frankly confess that we think its publication a mistake. The outside displays a *speciosa pellis*, but little taste in the decoration. Classical columns, foxes under and above coronets, monograms, and scrolls give the appearance of a design for a sporting pin, or a Christmas annual, while the Princess's name is emblazoned on the back in gold, it may be to prevent the Walpole of to-day from omitting to mention her claims to celebrity in his catalogue of noble authors. The Princess appears to have had no special fitness for the work she has undertaken, beyond that of having been brought up in the house she writes of. We have reason to

believe that permission was never asked by her as to the publication of the book, from those who alone would seem to have a right to be consulted. The two volumes before us add but little to our information: there are copious extracts from books perfectly well known, and long moral aphorisms which might have suited Lord Stanhope in his early days. Not only is the book a dull one, but it is the cause of dulness in others, and it is sad to see the failure of energy which characterizes the reviewer of the "Quarterly" as he proceeds with his task. At first the duty is a pleasing one: he tells an anecdote about himself and Lord Dalling, gives us some good after-dinner stories, then slowly relapses into quotations and abstracts, becomes bored to death by the Princess's reflections, tells her so, and though called on to bless, ends by damning with faint praise. The reviewer of a work like this may fitly have doubts as to the proper way in which he should fulfil his duty. It is impossible to say what is the central figure in it, Holland House, Charles James Fox, the mutability of human fortune, Napoleon's snuff-box, or the knights who dined round the Holland House table. To keep to the subject is impossible. Rogers suggests poetry, Talleyrand diplomacy: both died, which paves the way for a discourse on death. We shall imitate the example of the Princess and her reviewer, digress in any manner we may think proper, and quote as many well-known anecdotes as the occasion may demand.

Holland House belongs to that class of buildings of which so large a number remain in England unhurt by the lapse of two centuries and a half. If their mullioned windows and classical pillars prevent us from ascribing them to a particular style, if some of their details are inappropriate, and if, as at Wollaton there is a striking absence of harmony, time and historical associations have given them a charm and an interest which no one would seek to contest. Temple Newsam, Longleat, Hatfield, Burleigh, Montacute, Bramshill, are all connected with names well known to students of history, and all belong to the same period as the one we are discussing. Holland House was built in 1607, possibly by an architect named John Thorpe, for Sir Walter Cope, a Master of the Court of Wards and one of the Chamberlains of the Exchequer. The descendants of his elder brother Anthony are at the present day in possession of Bramshill, one of the most beautiful houses of this period, built originally for Prince Henry, the eldest son of King James I. Sir Walter's daughter was married by the Duke of Buckingham to a favorite of his, Henry Rich, who was created Earl of Holland in 1624, and beheaded in 1649. After this date Holland House seems to have passed into

the hands of different tenants, though still belonging to the Hollands. Sir John Chardin, William Penn, a daughter of Bishop Atterbury, and Lechmere all inhabited Holland House. The second Earl of Holland succeeded in 1673 to the Earldom of Warwick, and his son's widow married in 1716 Joseph Addison. Addison's step-son, the young Earl of Warwick, died in 1721, and in 1749 the estate was "let on lease at a rent of £182 16 s. 9 d. to Henry Fox, first Lord Holland, who bought it in 1767."

The family of Fox was not an ancient one. Edmondson gives Sir Stephen Fox a father and a grandfather, but Horace Walpole speaks of Sir Stephen's birth being of the lowest obscurity. Sir Stephen, whom one account represents as having been a chorister boy in Salisbury Cathedral, was born in 1627, knighted in 1665, advanced to various posts in the king's household, and amassed a large fortune out of the offices (among others, that of Paymaster-General of the Forces) which he held. We have often heard it stated that one child of Sir Stephen's died in 1666, and another towards the commencement of this century, but we find no confirmation of this in the book before us, — a story which, though perfectly credible, is probably apocryphal. Sir Stephen's first wife was a sister of one of the king's surgeons, by whom he had eleven children. In 1703, however, at the age of seventy-six he married again, and became the father of two sons, the eldest of whom founded the Ilchester family, and the younger that of Holland. Henry Fox, the younger son of Sir Stephen, who bought Holland House, was born in 1705, and educated at Eton with Pitt. In 1735 he entered Parliament, in 1743 was made one of the Commissioners of the Treasury, and in the following year secretly married Lady Caroline Lenox, eldest daughter of the Duke of Richmond. The Duke was very angry, and Mr. Fox's friends deprecated his Grace's anger in most submissive terms. Lord Lincoln hopes he is not "so totally abandoned as to break through all the ties of friendship's honor, which he must inevitably have done, had he in any ways been accessory to that imprudent, unfortunate marriage." Lord Ilchester follows in the same strain. Miss Pelham shows her appreciation of the motives which influenced the Duke by pleading the cause of her friend, Lady Caroline, thus: "I will appeal to the company whether, if Lord Ilchester had been unmarried, and had offered himself to the Duke of Richmond's daughter, the Duke and Duchess would not have jumped at the match, and how Mr. Fox comes to be a worse gentleman than Lord Ilchester I can't tell."

The Duke, however, after the birth of an eldest son, in 1748, forgave the runaway couple, and apprised them of his forgiveness in a long letter, part of which we shall quote.

"MY DEAR CAROLINE, — Altho' the same reason for my displeasure with you, exists now, as much, as it did the day you offended me, and that the forgiving you is a bad example to my other children, yett they are so young, that was I to stay till they were settled, the consequence might in all likelihood be that wee should never see you so long as wee lived, which thoughts our hearts could not bear. So the conflict between reason and nature is over, and the tenderness of parents has gott the better, and your dear Mother and I have determined to see and forgive both you and Mr. Fox. This change is not sudden, but has been long growing in her breast, and myne. And I must fairly own to you she conquer'd her resentment sooner than I could myne, for tis not easy to bring oneself to forgive the almost greatest injury that could have been done to one. However love for a child may bring that to bear which nothing else can. I don't mean by this, that I have any more difficulty in forgiving Mr. Fox, for in your situation I must forgive both, or neither, butt I mean that this proof of our affection to you two, should never bring us into any connection with those base, vile people, that have been the abettors of your undutifullness to us. For I shall ever look upon them in the most despicable light, and make no more secret now than I have heretofore of my thoughts upon them.

"One thing more of the greatest consequence to the future hapiness of my family I must mention, and recomend to you, which is that I trust to Mr. Fox's honor, probity, and good sense, as well as to yours, that your conversation ever hereafter with any of my children espetially with my dear March, may be such as not to lead them to thinke children independent of their parents. Wee long to see your dear inocent Child, and that has not a little contributed to our present tenderness for you. I chose to write this long letter, that you might be fully inform'd of my mind before I saw you, and that when wee have that pleasure there may not be any talke, or altercation whatever upon past events, which would be infinitely disagreeable to us all, instead of which, when wee meet, let our affection be mutual, and you may be sure that our seeing you is a proof of the sincerity of ours. So my dear child you and Mr. Fox may come here at the time that shall be settled by yourselves with my Lord Ilchester, and be both received in the arms of an affectionate Father and Mother.

"RICHMOND : &c.

SA : RICHMOND, &c."

In 1762 Lady Caroline was created Baroness Holland, and in the following year her husband was raised to the peerage as Baron Holland. In July, 1767, he made application for an earldom, which, however, was refused, and one of his letters, printed in Lord John Russell's "*Memorials and Correspondence of Charles James Fox*," gives a melancholy picture of the aims and the occupations of the old statesman. The last years of his life he employed in the erection of a villa at Kingsgate, which called forth Gray's lines : —

"Old and abandoned by each venal friend,
Here Holland formed the pious resolution
To smuggle a few years, and strive to mend
A broken character and constitution."

To single out any public man, during the governments of the Pelhams and Lord Bute, for venality, is but invidious: a code of morality prevailed which hardly anybody except Lord Chatham dissented from. George Selwyn, before he came of age, was appointed to the offices of Clerk of the Irons and Surveyor of the Meltings at the Mint, the duties, it is needless to say, being performed by deputy. When Lord Holland was on his death-bed, a visit from George Selwyn gave rise to the well-known remark, "If Mr. Selwyn calls again, let him in; if I am alive, I shall be very glad to see him, and if I am dead, he will be very glad to see me." The Princess quotes largely from Jesse's book, largely from Rogers's "Table-Talk and Recollections," but she barely alludes to, as we think, the best story about Selwyn's morbid tastes. When Damien was to be broken on the wheel for his attempt to assassinate Louis XV., Selwyn, of course, was amongst the crowd on the day of execution. A French nobleman, impressed by the interest he showed, and believing the stranger to be a hangman, said, "Eh bien, monsieur, êtes-vous arrivé pour voir ce spectacle?" "Oui, monsieur." "Vous êtes bourreau?" "Non, non, monsieur. Je n'ai pas cet honneur; je ne suis qu'un amateur." Another story is omitted, relating to the Holland family, told by Jesse, thus: "A namesake of Charles Fox having been hung at Tyburn, the latter inquired of Selwyn whether he had attended the execution. 'No,' was Selwyn's reply, 'I make a point of never attending rehearsals.'"

Lord Holland died in 1774, leaving four sons, the eldest of whom survived him only a few months. The third son was Charles James Fox, to whom the Princess devotes a chapter. It is not our intention to give a *résumé* of English politics from 1768 to 1806, the duration of Mr. Fox's public life. The Princess has collected from many sources a variety of anecdotes and statements relating to Mr. Fox's social habits, but there is little that may not be found in Rogers's Recollections. Completely as Fox's reputation throws into the shade all the other members of his family, it is not to him that Holland House owes its social and fashionable celebrity, but to his nephew Henry Richard, third Lord Holland, — born 1773, and consequently only thirteen months old when his father died, — and to his wife Elizabeth Vassall. Under their auspices the *salon* of Holland House became famous, and the list of guests quoted by the Princess exhausts nearly all the wit, ability, and notoriety of the time; we much doubt, however, whether any one will be found to echo her wish: "Much as people are wont to regret the number of their years, who would not gladly now be half a century older to have

formed part of that circle and heard the brilliant passages of wit and intellect which passed, and too often passed away, within these walls!" The Princess, in enumerating Lady Holland's guests, endeavors to add interest to the list by short notices of their distinctions, — a somewhat hazardous attempt, reminding us of Lord Macaulay's classification of the Joneses.

The characteristics of eminent men cannot be summed up in a paragraph. It adds but little to our information to be given a catalogue of the following kind: "Sir Philip Francis, whose supposed authorship of 'Junius' places him in historical interest on a level with the wearer of the iron mask. Byron, who dedicated to Lord Holland the 'Bride of Abydos.' Lord Jeffrey, of the 'Edinburgh Review.' Lord Thurlow, who died the same year as Pitt and Fox. Lord Macartney, who made an embassy to China. George Ellis, who was right for what he did, if conviction guided him."

It would be just as satisfactory if it ran thus. Byron, who kept a tame bear at the University. Sheridan, who always breakfasted in bed, and who hated metaphysics to such an extent that when his son asked him, "What is it, my dear father, that you can do with total, entire, thorough indifference?" he replied, "Why, listen to you, Tom?" Lord Eldon, who was a very bad shot. Lord Thurlow, who swore as much as Lord Melbourne, and of whom Fox said that no one was as wise as he looked. Grattan, who said that a wife should be of a modest character and should sing. The Duke of Wellington, who was refused admission into Almack's without a ticket. And Sydney Smith, who crumbled his bread with both hands when he met an archbishop. Following the analogy of her description of Byron, the Princess should have described Henry Luttrell as having dedicated his lines on Ampthill to Lord Holland, and Lewis as the author of "Lines written on returning from the funeral of the Right Honorable C. J. Fox, Friday, October 10, 1806, addressed to Lord Holland." The following story told of Sydney Smith, — "A man who had for some time been boasting that he believed in nothing, suddenly expressed enthusiasm at some dish and asked for another helping of it. 'Ah,' said Sydney, 'I am glad to see that Mr. — at all events believes in the cook,'" — reminds us of a similar point in Heine's "Reisebilder," where the reply was, "J'ai vu une fois à Francfort une montre qui ne croyait pas à un horloger; elle était en étain doré et allait fort mal." The story of Dr. Parr's horror of the east-wind, and Tom Sheridan's fixing the weathercock to keep him at home, is, unless we are mistaken, one belonging to an earlier date and told of Sterne and Mr. John Hall Stevenson, the author of the "Crazy

Tales," in which case the weathercock was tied in a westerly direction in order to induce the eccentric poet to leave his bed.

From 1799 to 1840 all that was illustrious, with few exceptions, found its way to Holland House. One of these exceptions was Porson. "I certainly shall not go; they invite me merely out of curiosity; and after they have satisfied it, they would like to kick me down stairs." On being told that Fox was coming from St. Anne's Hill on purpose to be introduced to him, he persisted in his resolution and dined with Rogers in the Temple. In spite of the attractions of the house and of the urbanity and courtesy of Lord Holland, "that temper which years of pain, of sickness, of lameness, of confinement, seemed only to make sweeter and sweeter," some of the guests must have shared Porson's doubts. The Princess does not disguise the imperious nature and rudeness of the hostess. "In a very different way did Lady Holland wield her sceptre. Beautiful, clever, and well informed, she exercised a natural authority over those around her. But a habit of contradiction — which, it is fair to add, she did not mind being reciprocated upon herself — occasionally lent animation, not to say animosity, to the arguments in which she was engaged. . . . In the midst of Macaulay's interesting anecdotes she would tap on the table with her fan and say, 'Now, Macaulay, we have had enough of this; give us something else.' She would issue commands to Sydney Smith, but once he retorted. Said she, 'Sydney, ring the bell.' He answered, 'O, yes! and shall I sweep the room?' To Moore she said, 'This will be a dull book of yours, this Sheridan, I fear.' To Lord Porchester, 'I am sorry you are going to publish a poem. Can't you suppress it?'" Rogers tells more stories of a similar nature. "When Lady Holland wanted to get rid of a fop, she used to say, 'I beg your pardon, but I wish you would sit a little farther off; there is something on your handkerchief which I don't quite like.' When any gentleman, to her great annoyance, was standing with his back close to the chimney-piece, she would call out, 'Have the goodness, sir, to stir the fire.'" After this sort of gossip even "Jernegan, bring me my garters," sounds rational. She was ill bred enough on one occasion to ask Sir Philip Francis if he was Junius, and received as an answer, "Madam, do you mean to insult me?" George IV. went quite as far as, if not further, than good-breeding permitted in drinking to the author of "Waverley" in Scott's presence. We do not in the least call in question the fact that Lady Holland was a clever woman, but we wonder that her friends should be desirous of chronicling such remarks about her. More of the same character may be found in Mr. Hayward's review

of "Sir Henry Holland's Reminiscences," reprinted in 1873 from the "Quarterly Review." Had she only been able to receive her guests at 100 Belgrave Square or in Seamore Place, her reputation would have been probably greater for saying pleasant things; as it was, Jacobean architecture and a recognized position enabled her to utter brusqueries and rudenesses which certainly would not be tolerated at the present day. It may with truth be added that the temptations are not the same. There is no Sydney Smith, no Henry Luttrell, Macaulay, Mackintosh, or Moore to be met at dinner now, or ordered about by fine ladies. Sydney Smith writes to Lady Holland in 1818: "Some surprise is excited by your staying at Ampthill; but Rogers, I hear, has been sent for as a condiment, and Luttrell has been also in your *épergne*."

The Princess justly gives the lion's share in the witticisms of Holland House to Sydney Smith, who probably possessed a more genuine spontaneity of wit and humor than any Englishman before or after him. No tribute to his powers is more charming than that of Lord Dudley, who said to him, "You have been laughing at me constantly, Sydney, for the last seven years, and yet in all that time you never said a single thing to me that I wished unsaid." There is no other contemporary of his to whom such a speech could have been made, though Kelly's testimony to Sheridan's temper may occur to our readers. All that he said or wrote is charming. His jokes are standard jokes; — the bishop with sound views of the middle voice and preterpluperfect tense; Rogers's confinement and delivery of a couplet; the definition of Talleyrand's talking. Of Lord Holland he wrote: "There never existed in any human being a better heart, or one more purified from all the bad passions, more abounding in charity and compassion, or which seemed to be so created as a refuge to the helpless and the oppressed. He was one of the most consistent and steady politicians living in any day; in whose life, exceeding sixty-five years, there was no doubt, varying, nor shadow of change. It was one great and unrewarded effort to resist oppression, promote justice, and restrain the abuse of power." Lord Holland, besides other contributions to literature, was the author of "Foreign Reminiscences," where his attachment to Napoleon is strongly shown. He died in 1840, and was succeeded by the fourth and last Lord Holland, who died in 1859, leaving Holland House to his widow, through whose hospitality it has not unfrequently been opened to Englishmen and Englishwomen of the present generation. Lord Holland's sister, Mary Elizabeth, married Thomas, third Lord Lilford, and is the only representative of the Fox family now living.

The remainder of the book is devoted to a specification of the grounds of the house and its contents, its pictures and *objets d'art*. Much of it would have been useful if printed on cardboard and suffered to lie in the rooms about which it treats, or written on the backs of the objects it commemorates. As it is, a great deal might be omitted with advantage. The ivy in the garden which clings to the piers designed by Inigo Jones reminds our authoress of her own sex by its dissimilarity, the ivy increasing in loveliness as it increases in years. Gay tells us, "Woman cheaper grows by growing old," a statement the Princess appears to agree with. We next come to an old cedar-tree, "proud of its mutilations, like the veteran warrior whose shattered arm and scarred brow command the sympathetic enthusiasm of those around him"; then to a summer-house called Rogers's seat, with the following inscription by Lord Holland, —

"Here Rogers sat, and here forever dwell
With me those pleasures that he sings so well."

1818.

Further on are what used to be called the Moats, the scene of the duel between Captain Best and Lord Camelford, in which the latter fell, and was buried by his own wish in a particular spot in the canton of Berne. Illustrious visitors have given their names to different walks; there is an alley Louis Philippe, and busts of Napoleon and Charles James Fox. We now come to the house itself, through all the rooms of which we cannot go, with either the Princess or the housekeeper, though we shall try to note a few of the most characteristic features in them. We are given information in some cases sufficient for the purposes of a rating valuation: the breakfast-room is forty feet long by twenty; the china-room twenty-two by twenty-one, and gets no sun. In the latter room are seven dessert services of various kinds of china. The Princess has omitted to tell us how many specimens were cracked, in whose housekeepership the accidents occurred, and what steps were taken to prevent such misfortunes for the future. The public will be surprised to hear that the map-room is so called "from the fact that nearly all the maps and atlases in the house are arranged there." The public is a stupid monster, and has no excuse now to justify any wrong conceptions or theories concerning the object of the map-room. "The door by which we entered from the china-room is like two of those in the breakfast-room: the doorway arched; while the door itself, which is a sliding one, may be said to illustrate Hamlet's play within a play, by a door within a door." No doubt it also illustrates Alfred de Musset's "*Il faut qu'une porte soit ouverte ou fermée.*" Watts, the only living English

portrait-painter of distinction, is strongly represented at Holland House. Connected in early life with Lord Holland, he has contributed many pictures and restorations to the adornment of these walls. In the picture-room is a cast of Lord Brougham, which, a note informs us, has recently been removed into the print-room. In giving an inventory of the furniture of a house, it is obviously difficult to assign the proper local habitation to every article. Are, for instance, silver candlesticks to be considered as an appanage of the library, or rather to be treated of in a discourse on the plate closet? Why does the Princess use so ugly a word as "exteriorly"? Is there any "interior" evidence in the dictionaries to justify its usage? The next room has a special interest for us, as having once been the store-room or jam-room. We should like to indulge in a dissertation on jams, and speculate upon what particular preserve recommended itself to Sydney Smith; did Windham eat currant-jelly with mutton, or was it then, as now, only devoured by solitary men at clubs? Rogers probably did not eat jam at all, but only brandy-cherries, from which he might derive inspiration for an ill-natured remark, such as, "Thank God, he has bad teeth"; elicited by continued eulogies of the individual in question. The fourth west room is full of glass doors, but we are assured that the glass does not prevent the room from being very comfortable; in it are some interesting examples of Hogarth. Mr. Allen's room perpetuates by its name the memory of an intimate friend and factotum of the third Lord Holland, introduced to him by Sydney Smith, and sometimes termed "Lady Holland's atheist." The journal-room "derives its name from having been that in which state papers and journals were kept. It is longer than it is wide, and very fully furnished with books and pictures." The white parlor has a recess which "remains a monument of mundane transitoriness." In other words, it once formed a bay-window looking into the chapel, where the family could pray apart, as is the case at Berkeley Castle, a feature not uncommon in the constitution of private chapels of that date. The chapel at Holland House was destroyed by fire in the last century, but a few fragments of its architecture in the rooms around point out the position it occupied.

The illustrations are not of any special merit, with the exception of the frontispiece to the second volume, which is engraved from a picture by Watts, and which represents Miss Fox standing by the side of a large Newfoundland dog, round whose neck her arm is thrown. Among the facts of small importance which are noted down in these volumes, few are as uninteresting as the statement that the first floor of Holland House is on a level with the stone gallery of St. Paul's.

We think of Sydney Smith's joke, and wonder whether it would please Lady Holland to have the first floor stroked. We cannot account otherwise for the appearance of "this acknowledged fact." In her chapter on the gilt-room, the Princess says that "a statue while lifeless cannot speak." It is also unfortunately true that statues, when endowed with life, have sometimes the same failing. We have an interesting account of the proceedings at a ball held in 1753 in this room, "probably written by a servant":—

"At one We all went down to a cold supper, at three tables in the Saloon and three in the dining room.

"Supper was remov'd at each Table with a Desert, and Ice.

"Danced after Supper.

"No dancer went before Three, or stay'd after five.

"The tables Prepar'd in the Supper Rooms held fifty-six. A corner table was plac'd extraordinary for six men, besides. Sate down to supper in all Sixty-two.

"Lord Digby, and Mr. Bateman, did not sup, but walk'd about admiring."

This is pleasant *naïf* gossip, of which we should like more. What did they eat for supper, or was it like the party at the Duchess of Queensberry's, eight years earlier, where Mr. Hobart assured Sir Charles Hanbury Williams that he had nothing but half an apple-puff and a little wine and water. That this was by no means always the case we have excellent authority. In the art of dancing, written in 1730, directions are given for leading "the chosen fair" to her coach; her lovely head is to be enwrapped in a warm hood, and a handkerchief o'er her neck,—

"While generous white wine, mulled with ginger warm,

Safely protects her inward frame from harm;

But ever let my lovely pupils fear

To chill their mantling blood with cold small beer."

The Sir Joshua room is rich in works of that master, amongst others a portrait of the first Lord Holland. "It is said that Lord Holland, when he received his portrait, could not help remarking that it had been hastily executed; and making some demur about the price, asked Reynolds how long he had been painting it; the offended artist replied, 'All my life, my Lord.'" The well-known picture by Sir Joshua, of Lady Sarah Lennox, Charles James Fox, and Lady Susan Strangways gives the Princess an opportunity of quoting largely from the Holland House manuscripts. Lady Sarah's mother was married as a child to Lord March.

"The story is told us by her grandson, Mr. Henry Napier: 'My grandfather, the second Duke of Richmond, had been, as was the custom in those days,

married while yet a boy to Lady Sarah Cadogan, daughter of that Lord Cadogan who, as a cavalry officer, distinguished himself so much in the Duke of Marlborough's wars. This marriage was made to cancel a gambling debt, the young people's consent having been the last thing thought of. The Earl of March was sent for from school, and the young lady from her nursery; a clergyman was in attendance, and they were told they were immediately to become man and wife. The young lady is not reported to have uttered a word; the gentleman exclaimed, "They surely are not going to marry me to that dowdy?" The ceremony, however, took place, a post-chaise was ready at the door, and Lord March was instantly packed off with his tutor to make the grand tour, while his young wife was returned to the care of her mother. After some years spent abroad Lord March returned, a well-educated, handsome young man, but with no very agreeable recollections of his wife. Wherefore, instead of at once seeking his own home, he went directly to the opera or theatre, where he amused himself between the acts in examining the company. He had not been long occupied in this manner, when a very young and beautiful woman more especially struck his fancy, and turning to a gentleman beside him, he asked who she was. "You must be a stranger in London," replied the gentleman, "not to know the toast of the town, the beautiful Lady March!" Agreeably surprised at this intelligence, Lord March proceeded to the box, announced himself, and claimed his bride, the very dowdy whom he had so scornfully rejected some years before, but with whom he afterward lived so happily that she died of a broken heart within the year of his decease, which took place at Godalming in Surry, in August, 1750, when my mother was only five years and a few months old."

The romance of Lady Sarah and George III. we should like to give at length if we had space for it. Lady Sarah's connection with royalty began at an early age. When walking in Kensington Gardens as a child, she ran up to George II. and exclaimed, "Comment vous portez-vous, Monsieur le Roi, vous avez une grande et belle maison ici, n'est-ce pas?" The king was charmed by her *naïveté*, and often sent for her after this episode to amuse him. On the last occasion he finds her a shy girl, and exclaims, "Pooh, she's grown quite stupid." The Prince of Wales, however, did not take the same view; and Mr. Napier says, "He was then struck with admiration and pity, feelings that ripened into an attachment which, as I have been told, never left him, even in his most unsettled moments, until the day of his death." A little later the king expressed himself in the clearest manner to Lady Sarah's great friend, Lady Susan Strangways: "There will be no coronation until there is a queen, and I think your friend is the fittest person for it; tell your friend so from me." "When my mother next saw him at court," Mr. Napier continues, "he took her alone into a recess of one of the large windows and said, 'Has your friend told you of my conversation with her?'"

'Yes, sir.' 'And what do you think of it? tell me, for my happiness depends upon it.' 'Nothing, sir,' was my mother's reply. Upon which he left her abruptly, exclaiming pettishly, 'Nothing comes of nothing.' Soon after this Lady Sarah broke her leg out riding, and the king's anxiety about her seems to have touched her heart. His attentions became so marked that the Privy Council took alarm, and Lady Sarah, in a letter to her friend, gives the *dénouement* : —

[July 7, 1761.]

"MY DEAREST SUSAN, — To begin to astonish you as much as I was, I must tell you that the ——— is going to be married to a Princess of Mecklenbourg, and that I am sure of it. . . . I shall take care to show that I am not mortified to anybody; but if it is true that one can vex anybody with a reserved, cold manner, he shall have it, I promise him. . . . I did not cry, I assure you, which I believe you will, as I know you were more set upon it than I was. The thing I am most angry at, is looking so like a fool, as I shall, for having gone so often for nothing; but I don't much care. If he was to change his mind again (which can't be tho'), and not give a *very, very* good reason for his conduct, I would not have him; for, if he is so weak as to be governed by everybody, I shall have but a bad time of it."

The marriage took place in September of the same year, 1761. Lady Sarah was one of the bridesmaids, and was mistaken by Lord Westmoreland, an old Jacobite, for the queen. On his taking her hand to kiss, "she drew back startled, and, deeply coloring, exclaimed, 'I am not the queen, sir.' This little incident created a laugh, and a little gossip; and when George Selwyn heard of it, he comically enough observed, 'O, you know, he always loved Pretenders!' Lady Sarah married Sir Charles Bunbury in the following year. Her second husband was Colonel George Napier, son of the fourth Lord Napier." Her friend, Lady Susan, shocked her relations by marrying O'Brien the actor, — an event which the Princess seems to think makes St. Paul's Church, Covent Garden, historically interesting.

Our authoress moralizes after her most approved fashion when she gets into the dining-room, and evidently has doubts as to how the remainder of the second volume is to be eked out, when she tells us that it has a sideboard "rich and glittering with venerable family plate, a great looking-glass, in which a merry party may have the satisfaction of finding itself repeated, and a gay china-closet, filled mostly from the East," a sort of *Gradus ad Parnassum* synonyme for Oriental ware. Addison died in this room; but, as if this statement were not sufficient, we are told that "Time's hand, afterwards, seemed to sweep away the remembrance with the fact." Hour-glasses and scythes we have heard of; but a fact is a new implement for sweeping purposes. The library contains Addison's table, which

was bought by Lord Holland at Rogers's sale, in 1856. The collection of books is a fair one, and specially rich in Elzevirs. Among the autographs are some Spanish letters of value, and a MSS. fragment of a history of Holland House, by Sir James Mackintosh; but the library gains no slender amount of its interest from Macaulay's description of it, in his "Essay on Lord Holland." The library passage leads to the yellow drawing-room, and "gives us the idea of a dwarf, whose external proportions may warn him against mixing in society; but who takes out the change, which Nature seems to owe him, in the richest mental adornments." No doubt, the delightful story of "The Yellow Dwarf" suggested this simile. The library passage is full of sketches, casts, autographs, and portraits; there is a miniature of Robespierre, on the back of which Fox wrote, "Un scélérat, un lâche et un fou"; a kind letter from Voltaire to the first Lord Holland, about his son; Addison's last autograph; and, in the southern window, a pane of glass upon which Hookham Frere wrote some very mediocre lines, which elicited from Rogers, "I wonder where he got the diamond."

The yellow drawing-room has also some objects of interest; but we do not intend to follow the inventory any further. Each century has its style. In an account of Wilton House, printed one hundred years ago, the enumeration of the dreary sculpture is relieved by descriptions of the following nature: "Ceres standing with a most genteel air, holding up wheat"; "Cleopatra with her son, very naturally sucking, on her lap." This is all changed. We have no artists of mark in these days; but we can describe the feelings and motives of those who lived in the past, in the most beautiful language; and æsthetic criticism has itself become one of the fine arts.

We should not have expressed our opinion about this work so strongly, if it had not been nursed by friendly critics, and ushered into the world with a golden spoon in its mouth. If the country-houses of England are to be chronicled in this manner, it would be far better that they should be altogether unsung. We do not want a list of the arm-chairs at Knowle, charming as they are; with a dissertation on Lord Dorset's poems, or a life of Waller added to a description of the hall at Penshurst. The absence of what is good does not justify praise of what is bad. The year 1873 has, if we except Mill's autobiography, produced hardly anything of permanent literary value. The London publishers are sending out their books with greater disregard of artistic finish than ever, and we may sigh in vain for the artists and presses which produced such volumes as Rogers's "Italy" and "Poems." With the exception of Ruskin's works, we

know no books of late years that it is a pleasure to look at or handle. No county history worthy of the name has appeared since Eyton's "Shropshire," published twenty years ago. Yet, in writing a history of Holland House, an opportunity occurred of giving the world a real work of art; the advantage, however, was not seized. It would have been far better to have edited a new edition of Rogers's "Table-Talk," and appended a chapter on Holland House to the notes on Charles James Fox, than to have inserted a mass of previously printed matter, with which most students of the social life of the last hundred years were perfectly familiar. As it is, we can only hope, "that, as the old Duchess of Rutland said of a lie, 'It will do for news into the country.'"

9. — *The Wooing O't*. A Novel. By MRS. ALEXANDER. New York: Henry Holt and Company. 1873.

Which shall it be? A Novel. By MRS. ALEXANDER. New York: Henry Holt and Company. 1874.

HERE are two novels by the same author, both of which appear in the neat whity-brown covers of Holt's series, with the familiar spider in the corner, and both of which rejoice in the fantastic titles so popular at the present day, but which have otherwise but little in common.

"The Wooing O't" is already well known (under various strange disguises of pronunciation) to novel-readers as a quiet, pleasant, and well-written story. There is nothing very startling about the plot, no desperate passions or mysterious relationships, nor do any of the characters bring themselves within the range of the criminal law. But the interest is sustained, the conversations natural, and the characters well drawn. The story ends just as it ought to, and the reader is surprised to find how soon the end is reached, and very willing to take up the new story by the same writer.

It is hard to believe that "Which shall it be?" is, indeed, the work of the same hand. It is in all respects inferior, coarser, more sensational, and at the same time more tedious.

The heroine, Madeline Digby, is the daughter of an officer of amiable temper and bad habits, who, as well as his wife, dies before the story begins, leaving his child on the hands of her maternal grandmother, a most unpleasant old lady, who regards the moneyless orphan as a burden, and sends her to boarding-school. Here Madeline hears of an aunt of her father's, living in Paris, and after some correspondence goes to live with her, and is again sent to school, this time at a con-

vent. The contrast between the life and the teaching at the convent and at the English school of strict evangelical principles is rather well done, but there is altogether too much of the heroine's childhood, which advances the plot but little. Madame de Fontance — the French aunt — is one of the best characters in the book ; but she is unhappily killed off just after she has taken Madeline out of the convent, and is about to marry her, after the French fashion, to a M. Delille, whom she has seen but once ; a prospect to which the young lady objects strenuously, and not without some profanity (of course in French), but from which she is relieved by the sudden death of Madame de Fontance, who leaves her nothing, whereby she is thrown back on her own resources, as the only escape from the tender mercies of her English grandmother.

Being an enterprising young person, with beauty and numberless other attractions, not the least remarkable of which is a voice of "dusky richness," she readily finds a situation as governess in the family of Lady Templemore, where she falls in with the seductive creature of "lordly carriage," curly brown beard, aristocratic manners, encumbered estate, and generally bad character, who has figured in so many novels. His name in this is Dudley Ashurst. On first meeting this gentleman our heroine talks to him with "a mixture of originality and tenderness," which he naturally finds novel and agreeable, and when he sees her again, her singing, distinguished as it is by the vocal duskiness already noted, quite captivates him, as, indeed, such a unique charm well might. Having told her very frankly that he has no idea of marrying her, he proceeds to make desperate love to her. After many mental struggles, described and analyzed in edifying detail, she concludes to have nothing to do with him, returns to London, takes lodgings with her grandmother's discarded companion, and gives music-lessons. How she meets with the hard, cold, self-contained, but deeply loving man of business, Hugh Elliot, also of the most familiar type known to novelists ; how a relative leaves her a fortune ; how she goes into society ; how the wicked Dudley turns up again, and wants to marry her, and is duly snubbed ; how M. Delille also turns up again, in a very unsound state of mind ; how he nearly kills Hugh ; how Madeline is so wrought upon by this, and by the prospect of Hugh's departure to Australia, and by his being too bashful to propose, that she relieves him of the difficulty by proposing herself ; and how they lived happily ever after, — all this is written in "Which shall it be ?" There are also a number of superfluous characters, which he who will may seek at intervals in the story ; they add but little to the interest of the plot, and the same may be said of

the paragraphs of sentimental reflection of the most ordinary sort which impede the movement of the impatient reader.

This is a sad falling away from the promise of Mrs. Alexander's first story; if she continues in the same track, however the number of her readers may increase, they will hardly be of a class whose good opinion is of much value.

Somebody ought to be responsible for the astonishing French phrases which occur in these stories. *Taisez-vous, ma fois*, and *soyez tranquil* may be due to careless proof-reading; but this explanation will scarcely account for the singular polyglot sentence, "Il y a encore a demi-tasse."

10. — *Liberty, Equality, Fraternity*. By JAMES FITZJAMES STEPHEN, Q. C. New York. Holt and Williams. 1873.

It is refreshing, after the flood of sentimentalism with which the world has of late been deluged, to read a book as healthy and vigorous as Mr. Stephen's "*Liberty, Equality, Fraternity*." It is so good indeed, that the reader feels constantly surprised that it is not better; it just falls short of a great discussion of principles, which it might have been made with no very great additional labor, and can rank only as a clever collection of essays. It professes to be a review or criticism of Mr. Mill's essays on Liberty, on Utilitarianism, and on The Subjugation of Women, and, unfortunately for Mr. Stephen, he could hardly have chosen books more calculated to make his own shortcomings apparent. The peculiar beauty and excellence of the writings of Mr. Mill lie in the wonderful clearness of the style, and in the thorough manner in which the matter is digested and arranged. Mr. Stephen's work, on the contrary, though strong, is somewhat loose. The chain of thought is so imperfectly linked that it is often far from easy to see the connection between two consecutive chapters, and the reader, as he closes the volume, is left with an unsatisfactory feeling that he has failed to grasp the full force of the argument. Any attempt at analysis is therefore most difficult. Liberty is treated of, first, in its relations to "Thought and Discussion," then in relation to "Morals"; next comes "Equality," and lastly "Fraternity." Such is the general plan, but the texture is so loose that subjects often seem to have fallen into their places rather by accident than design.

Two men could hardly be imagined more antagonistic than Mr. Mill and Mr. Stephen, and each is a remarkable specimen of the class to which he belongs. Mr. Mill, the highly trained, speculative phi-

losopher, with a passion for doctoring society for all its ills, real and imaginary, was apt, in his great longing to bring the world to something nearer his ideal, to forget or ignore any trifling practical difficulties (such as the sexual passions, for instance) which might stand in his way. Mr. Stephen, on the contrary, an active, ambitious lawyer, accustomed to deal with men and facts as they actually exist, looks on life as a long struggle, in which the prizes are to the strong and wise, and hardly knows whether to be most enraged or amused at the celebrated doctrine of his opponent, "That the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection." What folly is this, he says, to suppose that the passions of men can ever be confined to simple argument. You might as well tell the sea not to rise as to ask men, stirred by tremendous emotions of belief or desire, not to attempt to coerce one another. And moreover the world will hold your words light enough if you do not clearly show that you are ready to support your opinions with force. "A struggle for ascendancy does not mean mere argument. It means reiterated and varied assertion persisted in, in the face of the wheel, the stake, and the gallows, as well as in the face of contradiction. If Protestants or Catholics, or the Christians and the Pagans, had confined themselves to argument, they might have argued forever, and the world would not have cared. It was when it came to preaching and fighting, to 'Believe, and be saved,' 'Disbelieve, and be damned,' 'Be silent, or be burned alive,' 'I would rather be burned than be silent,' that the world at large listened, sympathized, and took one side or the other."

What is any election but an appeal to force, — the will of the majority? Argument is good to influence the mind before the appeal is made, and the minority, it is true, usually submit to the decision of numerical strength; but sometimes it happens that the stake is too important, that passions run too high, and then that is done which was done in this country thirteen years ago, — great armies take the field, which kill all who oppose them. What folly to urge at such a moment that the stronger side has no right to coerce, but should use argument; that it is not war in self-defence; that, after all, they may be in the wrong, and that therefore they should refrain!

It is however on the question of religion in general, and of an established church in particular, that Mr. Stephen puts forth his greatest strength. He points out with justice that the *Essay on Liberty* is rather a plea for increased liberty in religious discussion than a dispassionate treatise on the whole subject, as it purports to be; and he

thinks that Mr. Mill would probably have been more guarded in making general assertions, had he not throughout had his particular case in view. Now, though Mr. Stephen is careful not to commit himself in set terms, it is very clear where his sympathies lie. To his mind the Christian religion is true; and if true, anything which tends to shake it is bad, and nothing can be of so great importance as to have it taught to the people and supported by the government. A purely secular government is to him hateful; it degenerates into a system of police; it lacks at once dignity and power, for it can no longer appeal to the mightiest of all emotions, — the hope of heaven and the belief in God. It follows then, logically, that it is the duty of those who believe with him to uphold the union of Church and State, and as far as may be, both socially and politically, to enforce conformity to their creed. This is a purely practical question, on which it is perfectly possible to disagree with Mr. Stephen at the same time that the truth of his premises is admitted. It is by no means necessary to dispute the right of the majority to do what they think most for the welfare of society, in order to doubt the advantage of an established church and social intolerance of dissent. It is difficult at this day to exercise any repression of opinion; and if for a time a sufficient power is concentrated to make the repression effective, it is at the risk of an explosion much more dangerous to the institutions thus sought to be protected than any peaceful solution of the problem could be. In short, a national church probably breeds more discontent and opposition than it does good; and in the long run modern governments seem growing less and less able to endure the strain put on them by the support of any particular confession of faith. However widely opinions may differ as to the theoretical excellence of a union of Church and State, candid observers begin to realize that the force is now wanting; that governments which undertake entirely to unite the two tend to fall of their own weight; and that, on the whole, the church must be left very much to take care of itself. It is well, therefore, for a man who proposes to fight this battle to stop and count his forces.

Besides the religious discussion, Mr. Stephen has a good deal to say about democracy and women's rights. Universal suffrage he accepts as an established fact, against which it is useless to strive. "If I am asked, What do you propose to substitute? Practically, what do you recommend? I answer at once, Nothing. The whole current of thought and feeling, the whole stream of human affairs, is setting with irresistible force in that direction. . . . The waters are out, and no human force can turn them back; but I do not see why, as we go with the stream, we need sing hallelujah to the river

god." But he insists that men are not by that made any the more equal in reality ; that in the end the battle must always be to the strong, and the race to the swift ; and that the strong man always will rule the weak in the future as in the past ; by persuasion if possible, but if necessary by force. Nothing can alter the order of nature. And women must obey the same law. Do agitators really believe that women are as fierce, as energetic, as enduring, as men ? If so, let the experiment be tried ; let women have no favor shown them ; let them be forced to labor like men, — to enter professions, to follow trades, to saw wood in the streets, in competition with men ; let marriage be made a contract dissoluble at the will of either party ; and in a few years women in Europe will hold the position of women in savage tribes, — the position of slaves. It is the lot of the weaker party who is left at the mercy of the stronger, and it is inevitable. The moral which Mr. Stephen strives to enforce is shortly this. Let us clear the air of cant. Liberty, in the sense of absence of restraint, means license, and is impossible. Laws are a necessity ; laws are made by the strongest, and they must and shall be obeyed. The seeming ease with which order is now maintained does not come from a diminution of the force employed, but from the overwhelming power of the government. Force to-day is to the force of the Middle Ages what a modern army would be to the undisciplined rabble which followed a mediæval baron. It is so crushing that no one dreams of resistance.

Equality is absurd except in a technical legal sense. Men are not, nor can they ever be, equal in power or wealth, any more than in height or weight. It is a fact which, right or wrong, it is useless to dispute, that the distance between the millionaire and the beggar tends always to increase with the increase of wealth. It is now greater than ever before, and will constantly widen as long as life and property remain secure ; when security is destroyed, we shall lapse into barbarism.

Fraternity is simply a nauseous lie, — men are not brothers ; we do not love all the world, nor do we wish to do so. It is enough if we love our families and friends, and respect those who show themselves respectable ; but as for those who do us wrong, who prey on society, or who are wicked and brutal in their lives, decent people hate them, and always have hated them, and always will hate them ; and, far from treating them as brothers, they will make savage war upon them as long as any feeling of self-respect or sense of right remains.]

11. — *The Œdipus Tyrannus of Sophocles, edited, for the use of Schools, with English Notes and an Introduction, by JOHN WILLIAMS WHITE, A. M., Professor of Greek in Baldwin University. Boston: Ginn Brothers. 1874.*

EDITIONS of Greek plays with English notes available for use in our schools are so few, that any addition to their number deserves a welcome. The author of the volume before us has done his work with considerable diligence, and has produced a book which will doubtless be useful, especially to students who take up a Greek tragedy for the first time.

Campbell, whose text Professor White takes as the basis of his own, is the most conservative of critics, retaining and defending manuscript readings which are seldom suspected of being correct. Mr. White has very properly deviated from Campbell in a number of places, but still his text turns out an unusually conservative one. This, however, is rather a good fault. Once or twice, in places which even Campbell admits to be corrupt, and marks as such, but which are reproduced by Mr. White without note or comment, it would have been well to advise the reader in some way of the unsound condition of the text; thus particularly at v. 1526. The Introduction, which is an adaptation of Schneidewin's, is good; but we wish the last part, tracing the development of the myth of Œdipus in the early poets, had been retained. In interpretation, Mr. White has followed Campbell, though not slavishly, yet somewhat more closely than we could have wished. Indeed, we cannot agree with him in his very high estimate of the merits of Campbell's edition. Mr. White's notes consist to an unusual extent of references to grammatical works, — Goodwin's and Hadley's grammars, and Goodwin's "Syntax of the Greek Moods and Tenses." This is a useful feature; but we question whether he has not multiplied these unnecessarily, and given them on too trivial matters. Will not the conscientious learner, when he turns expectant to his grammar, and finds that the reference is after all only to the dative of "means and instrument" (v. 3), or the use of $\mu\eta$ with the infinitive (v. 6), feel justly discouraged, and disposed to neglect the references altogether, the more so as he cannot in general distinguish beforehand which are for him important? Mr. White, in his Preface, justifies the number of these references on the ground that students are often but ill acquainted with grammar when Greek plays are put into their hands. We submit, however, that a pupil who needs such references as the above has no

business with Sophocles at all. It is, moreover, unfortunate that in many cases the only clew to a difficult matter is contained in a reference given without a word of comment. This is so often the case, that to one who had at hand neither of the two grammars referred to, the usefulness of the notes would be very seriously impaired. A noteworthy instance of this will be found at v. 697. A word or two in such cases would supply the needful clew.

The author has evidently been solicitous that none of the dramatic force, whether of situations or of words and expressions, be overlooked by the learner, and he is very profuse of notes on these matters. Some of these notes are excellent, though others we must think needless. Thus we hardly need to be told that Œdipus speaks, vv. 551, 552, "with bitter contempt." But where Mr. White, in his zeal for dramatic life, describes the tones, gestures, action of the personages (drawing freely on his imagination, of course), telling us that "Tiresias says this" (v. 316) "in a low and distressed voice, and with his head partly averted"; that at v. 927 "the choragus points with his right hand, first to the palace before which they stand, and then, lowering his right arm somewhat, with respectful gesture to the queen"; that the speaker at v. 815 "strikes his breast with his hand"; that Œdipus speaks, v. 1182, "in a tone that fairly paralyzes the whole theatre," not forgetting to specify that the messenger at v. 1184 retires, "looking back fearfully over his right shoulder," the boundaries of good taste are, we fear, sometimes overstepped. Still stranger sound the comments on v. 260, "*γυναιχ' ἐμόςπορον* : sensation throughout the theatre"; and v. 932, "With natural (feminine?) curiosity, Jocasta does not stop," etc. Mr. White has frequently rearranged sentences in an order easier for translation. When this is done, a decent Greek order should still be preserved, and such barbarisms as "*δὲ εἰπεῖν τὸδε τὸ ζήτημα*," "*ὡς μὴ ἂν εἴπω*," "*γὰρ ἔστιν οὗ*" (vv. 278, 328, 427) should not be allowed to disfigure the page. Of a piece with these is the list of *dramatis personæ* at the head of the play, where each name is syllabicated with hyphens and accented, after the manner of a child's reading-book. These are, to be sure, trifles, but will prejudice many against the book. It should be noted that Coloneus, on page 110, is wrongly accented.

We note some serious errors in interpretation. V. 21, *ἐπὶ* certainly governs *σποδῶ*, however we may interpret the passage in other respects. The editor's paraphrase of v. 89 is too strong. The clause with *ὡς* in v. 101 is an accusative absolute. Why *τὸδε* should interfere with this we cannot imagine. That the "chamber of Amphi-

trite" (v. 195) means the Atlantic Ocean is at least doubtful, and should be so designated. In v. 328, τᾶμ' cannot mean "what I think," but must be joined, as well as τὰ σ', to κακά, "my troubles." The position of κακά shows this. The etymological remark on ἀμπλακεῖν (v. 472) is partly wrong, and the rest too doubtful to set before the tyro. V. 709, that ἔχω can be used with the genitive in the sense of ἔχομαι is an unlucky thought of Campbell's, and has no foundation in fact. The examples which Campbell cites are utterly diverse. The meaning of this place, sufficiently clear of itself, is rightly explained by Wunder. At v. 921, εὐαγής is wrongly explained; ἄγος does not always mean "curse," and in this compound it has a good sense. Other explanations and expressions to which exception might be taken we pass by. The comma at the end of v. 10 should, by the way, be omitted, if we follow the interpretation which Professor White prefers.

Serious omissions we have not noticed, yet a few additional notes might not come amiss. An occasional hint on the scanning will be missed by beginners in cases of synizesis, especially the very harsh and unusual one, v. 640. The force of πάλιν in v. 100 might have been noted; so, too, the remarkable expression τοσόνδε τόλμης πρόσωπον (v. 532). V. 557 needs further illustration, as it is liable to be misunderstood; and v. 580 is not made clear enough. On μή, in 817, there might be a reference to Goodwin's Moods and Tenses, § 65, 4. Remark. The unusual force of ἀπα (v. 822) should also be explained. In v. 1526, the learner will wonder of what verb ὅστις is subject.

If we have mostly spoken of faults, it is because these most required specific mention, not because the book does not abound in excellences. Judicious notes and sound, clear explanations, expressed for the most part with admirable terseness, are to be found on every page.

On the metrical feature of the book we forbear to comment. Instead of the customary metrical notes, Mr. White has given complete rhythmical schemes of the lyrical parts, but without a word of explanation. These schemes conform to the theories of the well-known metrician, J. Heinrich Schmidt, and are couched in his rather complicated system of semantics, in which χρόνοι τρισημοί, cyclic dactyls, etc., are throughout distinguished by peculiar signs. Mr. White has omitted all theoretical elucidations, because he intends to publish a book on metres, based on Schmidt's work. It is certain that without this book learners will find the schemes of little use. How far it will be possible or desirable to induct our college youth into the mazes of the Westphalian and Schmidtian doctrines we leave for experience to determine.

12.—*Life and Correspondence of Samuel Johnson, D. D., Missionary of the Church of England in Connecticut, and First President of King's College, New York.* By E. EDWARDS BEARDSLEY, D. D., Rector of St. Thomas's Church, New Haven. New York: Hurd and Houghton. 1874.

IN the ship "Mary," which sailed from Boston, November 5, 1722, and which, after a tedious passage, reached the Isle of Wight in thirty-nine days, were three passengers, — Timothy Cutler, a graduate of Harvard College, and late rector of the young seminary of Yale; Daniel Brown and Samuel Johnson, who had been educated at Yale, and had recently been fellow-tutors there. The three had been "ordained" as ministers, according to the usages of the "Standing Order," in Connecticut, and had served in parishes and pulpits there. The reading of books by English divines, and their own inquiries, had brought them to doubt the "validity" of their ordination and their right to officiate as ministers of Christ. Under the lead of conscience they met the perils and cost of an ocean voyage to obtain ordination of an English bishop. The incident is a most suggestive one, this re-crossing of the ocean and returning to the mother Church to recover a grace which had been as it were left scornfully behind in the planting of New England. For the hundred years preceding scores of devoted men had been coming to these Colonies as ministers with their exiled flocks, who had all the grace and authority in their office which this Episcopal unction could give them, some of whom, at least, set nothing by it, never prided themselves upon it, nor claimed any privilege through it, but rather repudiated it and grieved that they had suffered it. Such men as Higginson, Wilson, Cotton, Norton, Harvard, Mather, Hooker, Mitchell, Chauncy, and others never felt that their office had been one whit consecrated or heightened by the fact that they had received Episcopal ordination. Their aim was to have "the anointing of the spirit of Christ." But the backward voyage of those three young men to obtain a seed not native to, and at first quite uncongenial with, the New England soil marks one of many readjustments which have been rectifying extreme views and methods among us. We have got wonted to such surprises since. We have seen priests of the English Church taking both ocean and land journeys to get to Rome for what was regarded as a yet more effectual anointing.

But the letters, sermons, and pamphlets of the time are evidence to us of the consternation roused by this revolt of the three leading spirits of the then fresh-born and struggling College at New Haven.

Six other graduates or ministers sympathized with their views, but were held back from at once following their example. There was very much in the spirit and administration of the Puritan churches to dissatisfy and chafe men of unquestionable sincerity in religion. The rule was rigid, the doctrine was harsh, the discipline, by "watch and ward" over conscience and conduct, was inquisitive and stern. The scholarly young *dissenters* — for we must remember that the application of terms in New England was the inversion of their use in Old England — found matter for preference by conscience and taste in the Book of Common Prayer and in the works of some of the English divines. A single missionary of the Church of England, who was on an errand of inquiry in New England, had a friendly interview with them in Connecticut. They met in good spirit and with firmness the ordeal of an ecclesiastical convention in New Haven. They behaved throughout with dignity and a Christian spirit, did nothing to embitter the intense excitement which the sharp controversy opened, and they were constant to their purpose. As a controversy here we leave the matter.

The three candidates received kindly treatment and much patronage in England, and were there baptized, confirmed, and ordained as priests. Cutler came to Boston to be the first rector of the new Christ Church, now the oldest public edifice in the city. He seems to have been faithful in his office, but was not a man of any mark, nor did he have a tithe of the influence in this Province which Johnson secured in Connecticut. The Episcopal Church in the two States to this day may manifest in its relative condition the weight respectively of those two native-born ministers of it. Cutler became most conspicuous for a controversy which he maintained with the authorities of Harvard College, in which he was thwarted in his claim to be "a teaching elder," and, as such, one of the Charter Overseers of the Institution.

Young Brown, who as a friend was doubly endeared to Johnson, died soon after his ordination of small-pox. Cutler had the disease, but survived it. It may be mentioned here, that all through the volume before us the reader is harrowingly reminded of the horrors of that disease when inoculation was hardly admitted to be right or safe, and when vaccination was as yet unknown. The pest was the bane and terror of all Dr. Johnson's life. And well it might be. Besides being always in dread of it himself, he lost by it not only this his dearest friend, but his oldest son, in England, on the same errand for ordination, and also his second wife. Together with the perils of an ocean voyage, the added exposures to this dread disease entered

into the earnest appeals afterwards of Dr. Johnson and others, that one or more English bishops might be sent to this country to relieve candidates for Episcopal ordination from the necessity of seeking it in England. Of fifty-one who had gone from here in forty years for that purpose, ten perished on sea or land.

Yet there was a large offset, especially in the case of Johnson, to be allowed for the risk and trouble of an ocean voyage, in the rich enjoyments and the flattering attentions found on a visit to England at that time and on such an errand. Johnson was then but twenty-six years old, amiable, attractive, and susceptible. His journal records a perpetual succession and round of visits to places of interest, and of kindnesses extended to him by prelates, scholars, statesmen, and excellent ladies. He appears to have drunk about equal quantities of tea and wine in the enjoyment of hospitalities. As in the frontispiece of this volume we look upon the ample proportions of his figure, in gown, bands, and wig, with his grandly intelligent and sweetly benignant countenance, — probably from the canvas of Smibert, — our only wonder is that he was not detained in England and put in training for a bishop.

Johnson received degrees from both Oxford and Cambridge on his visits to the Universities, and afterwards a doctorate from Oxford. An eight weeks' voyage brought him home to New England. He reached Stratford in Connecticut, where he was licensed to serve as a missionary of the Church of England, in November, 1723. There was then not a single Episcopal church in that Colony, and it was not until more than a year afterwards that one was ready for use in Stratford. The Doctor soon after married a widow, to whose children by a former husband he was a most devoted guardian and father.

For almost fifty years, — with an interval of intermitted service in his church, — while he was presiding over the infancy of King's, now Columbia, College, in New York, Dr. Johnson gave himself to unwearied labors in his clerical office. That office was a most exacting one, because of its own appropriate tasks, and because of the circumstances under which it was exercised. He was the representative man in a cause which subjected him to open and covert opposition, to misrepresentation, and even to obloquy, besides drawing upon all his resources of scholarship and skill in the Scriptures for maintaining his position. The relations between Churchmen and Dissenters in England were exactly inverted here. The Congregational churches, with their legal parochial rights for support by taxation, and their rigid discipline, had possession of the field, and their consociated action, aided by the support of the Legislature, gave them the prestige of an

establishment, as well as the tenacity of a traditional sanction. As Dissenters in England, besides bearing the charges of their own institutions, bore also their share of the burden of the Establishment, so in Connecticut, the Churchmen, struggling to maintain Episcopacy, were equally subject to all the rates of their territorial parishes. The tables were turned. The Puritan clergy and their flocks were excessively galled by what they regarded as the intrusion here of the Anglican rule, and by their being made the objects of missionary intervention in the interest of the Church of England. The controversy was a bitter one both in Connecticut and Massachusetts, with a pamphlet war, and alienations among families and neighbors. In Massachusetts Mayhew and Chauncy fought stoutly for their side, and Archbishop Seeker took the field against the former. In Connecticut the chief responsibility of the controversy came upon Dr. Johnson. He was through life a most devoted friend of Yale College, and he gave proof of his high magnanimity as such. Though the two greatest benefactors of the College—he whose name it bears, and the ever-honored Berkeley—were members of the Church of England, the College most ungraciously, but as if under the compulsion of self-defence, put its Episcopalian students under the ban. They were forbidden to attend the services of the Church. Against this rule, as well he might, Dr. Johnson protested. The strategy reminds us of a trick which some of the heads of colleges at Oxford did not scruple to avail of, some thirty or forty years ago, when the leader of the Tractarian movement was causing so intense an excitement by his Sunday-afternoon sermons at St. Mary's. The dons who wished to impede the zeal of the students to hear him changed the dining-hour in their colleges, so that the youth had to choose between the sermon and the day's substantial meal.

The object of dearest concern to Dr. Johnson, and that for which he labored most earnestly his whole life, was that one or more bishops might be sent to reside in these Colonies, to ordain and rule the clergy, and confirm the flock. He failed in this his darling aim. The measure was resisted as pertinaciously by the New England ministers and the laity. The grounds of their opposition were, as holds in all such cases, in part reasonable, and for the rest prejudiced and untenable. Associating bishops with the old persecuting spirit which had driven the best of the first settlers into New England, and inferring that here as well as at home they would claim the highest places in the administration of civil affairs, and a right to support from the public treasury, the spirit of these colonists was vexed and outraged at the proposal of the establishment of any such functionary here. And it

is remarkable that some of the Episcopalians themselves were indifferent or hostile to the measure. The zeal for it on this side of the water was most fervent when the English Ministry found that they had more on their hands than they could well manage in dealing with the civil affairs of the Colonies, without aggravating existing feuds by any ecclesiastical legislation. A significant reminder of the heats which the proposal for a New England bishop had excited here was found in an incident that occurred at a Commencement at Yale after the Revolution. When Seabury, returning with his Scotch consecration as first native bishop, entered the meeting-house to attend the exercises, seeing the platform filled with the Congregational ministers, as guardians of the College, he sent up an intimation to President Stiles, that a special consideration should be had for the dignity of his office. The President returned the message, "We are all bishops here."

Dr. Johnson made the acquaintance of Dean Berkeley in his visit and residence here. It was through Johnson that the Dean was interested in the young seminary at New Haven, and was led to bestow upon it munificent gifts. But the College was shy of receiving into its library a generous donation of books from the Dean, because of their Church of England theology. Dr. Johnson was, for his day, a profound philosopher. He mastered, and in the main accepted, the philosophy of Berkeley, and went deeply into that of Hutchinson. His relations and those of his son with Berkeley and his family continued close and tender through life. He maintained a steady correspondence with divines and scholars in England. His oldest son, as we have said, died there, deeply mourned by many warm friends. His other son was in England several years, as agent for Connecticut on the Mohegan land controversy, and received high consideration. He writes to his father a charming account of a visit to his namesake, the English Dr. Johnson.

A very interesting correspondence is given in the volume between its subject and Dr. Franklin, the object of which was to induce Johnson to assume the charge of a proposed college in Philadelphia. This inducement, which Dr. Johnson declined in that city, he yielded to when urged in behalf of another institution in New York. He thus became the first President of King's, now Columbia, College. He fostered the infancy of that seminary, winning for it support and endowments, and serving it with all his strength.

Dr. Johnson returned to Stratford to spend his last years peacefully among the scenes of his long ministry. The impression which his biography makes upon the reader is in every respect pleasing. He

was a great and a good man, a well-trained scholar, and he wrought an enduring work, by the faithful labors of a lengthened life. He had high aims and a gentle and affectionate temper. He did not love controversy. His own necessary part in it was borne with dignity and efficiency.

And he has been favored too in finding, a hundred years after his death, a competent biographer. Dr. Beardsley had already, in the preparation of his History of the Episcopal Church in Connecticut, gone critically over the ground which he has had to review in this volume. He has caught the spirit of his subject. He has written in a temperate tone concerning the irritations of the time. He has treated with great skill the episode of the Whitefield fanaticism. He might easily have made his pages burn with details of the words and acts which embittered the controversy. But he has made no further reference to any unpleasant incidents than comes out in two or three of the many documents which he had to put in print. He has for the most part allowed his narrative to come from the pens of others, — simply connecting its portions by statements of an explanatory character. His work is one of the most creditable biographies produced in this country.

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13. — *Annalen der deutschen Geschichte im Mittelalter. Ein Hilfsbuch für Geschichtslehrer an höheren Unterrichts-Anstalten und Studierende.* Von DR. GUSTAV RICHTER. I. Abtheilung. *Annalen des fränkischen Reichs im Zeitalter der Merovinger.* Halle. 1873.

As may well be supposed from the numerous publications which are incessantly announced, the activity of historical investigation continues unabated in Germany. It would even seem as if the late political events, by giving a free course to national enthusiasm, had added a new stimulus to those scientific investigations which especially concern the origin and earlier development of the great Germanic family. This exuberance of productiveness embraces works of every sort, from the driest monograph to volumes of great elaboration and wide range, though certainly they are far from having all an equal scientific value. Yet this very activity has its drawbacks. There is danger lest, in their praiseworthy zeal for forcing back the limits of acquired knowledge, the investigators may forget to spread before the public, which does not follow specialties, those attained results which can be fairly reckoned as permanent gains. Even in order to keep one's self abreast of scientific German publications, and

extract the solid matter from each in a superficial way, one must have been long familiarized with dry researches and be a historian by profession. Students even in the higher universities cannot pretend to do this, and only too often the professor himself is in no better position than his students.

Dr. Richter, in the work whose first portion has lately appeared, undertakes to obviate this difficulty. His book contains no original investigation nor criticism, nor study of texts neglected until now; but only a clear, precise, and so far as possible complete exposition of the results attained by the entire body of German and French historical investigation. To be completely satisfactory, this exposition should be accompanied by references to the special works of which use has been made, so that the reader may consult them for the more complete treatment of specialties.

Dr. Richter's work may be said to have attained its object. Each page is divided into three parts: 1. The Annals proper: the year in one column, corresponding to which, in a second column, is a statement of the principal events of the year; 2. Below the annals come the citations of texts, the references to the sources, and the explanations given by the best historians; 3. At the bottom of each page, observations of detail. This arrangement is perfectly clear, and leaves the reader at liberty to form his own opinion on each point.

The first volume, as yet the only one published, begins with the first appearance of the Franks in history, and carries them down to 751, the end of the Merovingian dynasty. It is divided into four periods: 1. The history of their origin, to 481; 2. The period of conquest and foundation of their empire (one might call it the heroic age), 481–561; 3. The period of intestine strife and civil wars, 562–613; 4. The period of decadence, 614–751.

In expressing his own personal opinions, the author is reserved. He presents principally the opinions of others, and does it with impartiality. A very interesting part of the book is that in which, in form of appendix, a very clearly written abstract is given of the conclusions reached by the latest historico-juridical German works in regard to the history of the political, administrative, and judicial institutions of Germany; the works of Waitz, Gierke, Roth, Sohm, Brunner, and generally the most recent historical school. The author has taken care to mark precisely the limit of the results which are to be considered as definitively acquired to science, and of those which are still doubtful.

To conclude with a few criticisms of detail. Page 66: The explanation of the word Neustria by *neu Reich* (new kingdom) seems in-

admissible on account of the presence of the *st*, although the derivation of Austrasia, Ost-Reich, Austria, is admitted. The form Niwistria (Neu-Westreich) would seem preferable. (See Ann. Fuldenses.) Page 72: Apropos to the war between Chilperic and Sigebert, the author should have cited the account in the Hist. Epitom., c. 71. Page 127: The comes palatii has been specially studied in a work of Pernice. De comitibus palatii, Halle, 1863. Page 169: Gregory of Tours mentions Strasburg long before the diploma of Childeric II. in 660 (Greg. Tur., IX. 36).

If Dr. Richter wishes to be complete and impartial, he should have mentioned the *Histoire des Institutions Mérovingiennes* par Lehuereu among the French works on this period. Some points are really well treated in it. The same remark applies to the works of Guizot and Guérard. After showing that modern German science has upset most of the theories of the old French historical school represented by Montesquieu, the author adds, p. 111: "So ist durch die Waffen des deutschen Geistes der altdeutsche Staat von demselben Gegner zurückerobert worden, dessen Niederlagen in Felde uns das deutsche Reich und lange entfremdete Reichslande zurückgebracht haben." These political allusions are out of place in a genuinely scientific work. Moreover the theories especially upset by the latest German historical school have been those of their own great historian of Germanic institutions, Eichhorn.

Dr. Richter has, however, made an excellent book, and we wait with impatience the publication of his next volume.

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14. — *Regesta Pontificum Romanorum inde ab anno MCXCVIII ad a. MCCCIV*. Edidit AUGUSTUS POTTHAST. Berolini. MDCCCLXXIII. IV Fascic.

JAFFÉ, who died a professor of the University of Berlin, began the papal *Regesta*, and carried the work down to the year 1198. He published this portion in the year 1851 in a single quarto volume. It has since been continued by Potthast, who took up at the year 1198 the task which had been interrupted by the death of Jaffé, and has carried it on to the year 1241. This second part, extremely important for the history of the struggle between the Church and the Empire, includes the Pontificates of Innocent III., Honorius III., and Gregory IX.

The *Regesta* are of extremely ancient origin. They were books in which notaries copied the letters addressed by the Popes to

bishops, to sovereigns, or to simple followers ; in short, all their official acts. When the Papacy took its great development these books became indispensable ; but the date of their commencement is not precisely known. The earliest which has survived is that of Gregory I. ; but two centuries earlier, Boniface I. already alludes to collections of this kind which must have been in use among his predecessors. Yet it was only under the successors of Gregory I. that the custom became established in the Roman chancery of preserving, in special registers, copies of the official acts of each Pope. Time has spared but a small number of them. From Gregory I. to Innocent III. we have only fragments of Regesta. After Innocent III. the Regesta of all the Popes are extant.

The collection composed by Jaffé and Potthast forms a summary history of each Pontiff since Saint Peter ; or rather it is an abridgment of the particular Regesta of each, restored according to the most authentic sources and the most authoritative documents. The authors mention the circumstances of the accession and the death of each Pope, give an analysis of the councils which he held, of his decrees, his letters, even when they are lost and have to be restored by means of the historical sources in which they are mentioned. In this immense undertaking, no useful source has been neglected ; everything has been explored ; bulls, pontifical letters, councils, canons, the public records of cities, bishoprics, churches, monasteries, local histories ; nothing seems to have escaped the authors, and they have made an excellent use of everything. The chronology, which is sometimes so troublesome, is perfectly established, not only for the important passages in the lives of the Popes, but even for their smallest letters. Every statement of fact is followed by an indication of the sources which prove its existence, and a special index of all the sources cited is prefixed to the volume.

This book is a sure guide, by whose aid any one may follow, without fear of error, the history of the Popes, year by year, month by month, and often week by week. It is therefore an indispensable instrument to every one who studies history critically and scientifically ; it is absolutely necessary for ecclesiastical history, since the official records of the Roman chancery are much scattered, and in some cases have been published with too little care for critical accuracy ; it is useful for political history, since it establishes the relations between Popes and kings, as well as purely religious matters ; and finally, it is an abundant and extremely rich mine for the history of canonical law.

15. — *La Trustis et l'Antrustion royal sous les deux premières races*. Par MAXIMIN DELOCHE, Membre de l'Institut (Académie des Inscriptions et belles-lettres). Imprimerie nationale. Paris. 1873.

THE historians of that period in the history of Western Europe during which the destinies of the countries afterwards called Germany and France were united, have offered different explanations in regard to the *trustis* of the Merovingian and Carolingian laws and documents. Without entering in detail into the opinions of Montesquieu, Guizot, Naudet, Guérard in France, and of Eichhorn, Grimm, Waitz, Roth, etc., in Germany, it is enough to recall the fact that the word *trustis* has been successively translated by "fidelity," "obedience," "consolation," "alliance," "military corps," "guard (of the king)," "friendship," "royal protection," and, finally, "escort (Gefolge)." These interpretations have naturally given birth to a series of systems in regard to the *institution* of the *trustis*, which M. Deloche, familiar with modern historical literature, examines in succession; an examination which is much too long for a scientific monograph, and encumbers the work by a mass of known or useless details. Each of these systems is commonly distinguished from the others by only a slight shade of difference, since the larger number of historians agree in seeing on one hand in the institution of the *trustis* a result of the ancient *comitatus* described in the *Germania* of Tacitus, and in connecting, on the other, with this assumed institution the vassalage of Carolingian times. On this point of capital importance, M. Deloche subscribes to the common opinion as is indicated at the conclusion of his work (p. 269): "Le vasselage des temps carolingiens se place comme une transition entre le *comitatus* Germanique, continué par la *trustis* des Mérovingiens, et la féodalité terrienne, dont la fin du X^e siècle devait voir le triomphe," etc. Yet it seems as though one might have expected a different, if not an absolutely new, result from the author's own words: "C'est en voulant attacher au mot *trustis* une signification unique que les commentateurs ont rencontré des difficultés insurmontables" (p. viii., Préf.). The word has had "non pas à des dates successives, mais dans le même temps des significations différentes suivant l'acte où il est continu et le mode d'emploi dont il est l'objet." What these different significations are, is the point which M. Deloche proposes to establish in the first part of his book (pp. 1-48), where the Merovingian and Carolingian texts, in which the word *trustis* is found, are presented, divided in three groups A, B, C, to each of which a particular meaning of the

word *trustis* responds. The group A furnishes the meaning of "assistance"; the group B, that of "one who has promised assistance to the king"; finally, the group C, that of "category of persons spread over the surface of the kingdom, and connected with the sovereign by the oath of the antrustion." It is obvious that these meanings all spring from the fundamental sense of assistance (promised by oath), and all in the end lead back to it; this is conceded by the author himself: "Ces modes d'emplois différents d'un même terme ont un lien commun très facile à apercevoir, l'idée de *l'assistance armée* et du *dévouement personnel* promis au roi" (p. 48). One may, however, grant the sense of assistance, on the authority of a single text, without on that account being authorized to admit with the author the existence of a social condition peculiar to persons *in truste regis*, that is to say, the existence of an *institution* called *trustis*. Supported by these interpretations, the second part of the book undertakes to solve the different questions raised in connection with the *antrustionate*; how and when it originated; what the condition of the antrustion was; when and under what influences the institution came to an end; what relations exist between vassalage and the antrustionate; all which is without foundation and falls to pieces at once of its own accord, inasmuch as, according to our reasoning, the antrustionate has no existence at all, if by this term is meant an *institution*, organized and destined to regulate the condition of a certain category of persons, in Merovingian society.

First of all, one cannot but be struck by the fact that the language of the time contains no term which corresponds to the word *antrustionate*; as a matter of fact, this word has been invented by modern historians, and answers to no real idea. Tacitus had *comitatus* to express military companionship; the Carolingian sources have *vassalaticum*, *vassaticum*, etc., to designate the institution of vassalage; because under each of these denominations there exists a reality. But if we examine closely the texts quoted by M. Deloche, we shall find that in all, except perhaps in one which would give the sense of assistance, *trustis* offers the concrete sense of troop, corps, suite, and never the abstract sense of category or condition of persons; in one word, not a trace of the pretended institution of the antrustionate.

In the first place, the idea of troop, with its varieties of band, suite, attendants, is sharply brought out in the group B, which includes the oldest sources. In the Salic and Ripuarian laws, *truste* or *dructe*, the malberg gloss of the Latin word *contubernium*, whose meaning of band, troop, is beyond doubt, indicates the body of friends or neighbors who make search with the individual who has been

robbed, in order to discover both the lost property and the thief; or who accompany the bride and conduct her with ceremony to the husband in order to secure to the marriage that solemn and public character which it was expected to have. In a narrower sense, *trustis* (more commonly *regalis, regis*) indicates the assemblage of persons who stand towards the king in a relation of fact that we shall presently see; *antrustio* designates the individual who makes a part of this following.

In the second place, in the second document of the group A, the Capitulary of the year 779, there is no question of "taking the oath of assistance." The title of this chapter bears simply the words: *de truste faciendo nemo præsumat*; a comparison with the Cap. Kar. of 789 shows that this passage concerns the prohibition to raise bands for purposes of theft and pillage. The addition: *ad nos venienti*, rightly omitted by Pertz in the edition of the *Monumenta*, has no relation with the beginning of the chapter. This is another provision which some ignorant or careless copyist has joined on to the first, without perceiving that the two provisions have no connection. The words, *ad nos, etc.*, are only found in manuscripts of inferior quality.

Finally, the texts of the group C continue to reproduce for the word *trustis* the meaning of troop, or following, without indicating the existence of an institution any more than is done by the texts already quoted. M. Deloche has committed a series of errors in his explanation of these texts, notably in his translation and commentary on cap. 8 of the Decree of Chlothar II.: *Ut in truste electi, etc.* He translates as follows (p. 11): "*Nous avons décidé que pour statuer sur les affaires intéressant le fisc et tous habitants quelconques (?) il sera établi des centeniers élus dans la trustis, par la fidélité et la sollicitude desquels la paix sera observée.*" The obscurity often found in the terms employed by the Merovingian chancery frequently justifies a certain latitude of translation, but this latitude cannot possibly extend to a translation of: *de fiscalibus — domibus*, by: "*pour statuer sur les affaires intéressant le fisc,*" etc. Moreover it is not easy with this explanation to reconcile the first part of cap. 8, which would confer on the *centenarii* a judicial power, with the end of this same chapter, which would confer on these same *centenarii* simple functions of police. Further, it is well known that according to the judicial organization of the Frankish epoch, suits which concerned the fisc were either brought, by virtue of a special mandate from the royal chancery, before the ordinary tribunals in which the count presided, or more often were judged in the royal courts. Passing over various errors of detail, the

mistakes in the author's commentary will appear still more striking if we turn (p. 42 ff.) to the sense attributed to the word *trustis* in the following paragraph : "Ce mot désigne une catégorie d'habitants de la centaine que le législateur a voulu distinguer des autres parceque leur condition était plus haute et que, à raison du lien spécial qui les unissait au souverain, ils présentaient une garantie plus grande pour le maintien de la paix publique." The conclusion is that these persons are antrustions established in each hundred, who, conjointly with the centenarius elected among them, have special rights and obligations, justified moreover by their peculiar social rank. As this argument has no foundation, it results in absolute confusion. The author has no sufficient acquaintance with the Frankish constitution and its judicial organization ; he cannot even have read Prof. Sohm's admirable work on the Frankish Reichs-und-Gerichtsverfassung, or he must have found there (p. 182 ff.) the lucid explanation of paragraph 8 of Decret. Chlothar., which should be read in connection with what has been said above.

The institution of the little troop of neighbors who accompanied the party whose property was stolen, and assisted him in its recovery and in the prosecution of the thief, might answer so long as the Salian Franks remained in the condition of a tribe. But when they had established themselves in Gaul and had founded a kingdom, their political constitution had to be greatly modified ; henceforth there existed an authority, the king and his officials. The individual lost in liberty what he gained in security, and, to mention only the institution now in question, the public peace, which under the *régime* of the old Salic law had been secured by the co-operation of the entire body of free men was now maintained by a police organization created for that object. It is to one of these bodies of police that the § 1, Decret. Chlothar. refers ; the *vigilæ*, that is to say the *ad wactus nocturnas constituti*, the persons constituted to watch of nights ; and the passage provides that inasmuch as the watch, being in collusion with the thieves, do not pursue them, another organization shall be created (*centenas fierent*). The difficulty rose from the fact that the first police agents were not free men, but persons of inferior condition, half-slaves (*pueri, milites, lictores*, etc.), who failed to do their duty, either by acting in collusion with the robbers, as the paragraph cited expressly says, or owing to the fact that their inferiority of condition prevented them from prosecuting so severely as was needed the free men who were guilty of criminal offences. According to the terms of §§ 7, 8, Decret. Chlothar., this corps of inferior agents is to be replaced by corps composed of free men from whom there would be no reason to

fear collusion with robbers. It is now easy to understand the true sense of the paragraph quoted. The title runs: *Ut in truste electi centenarii ponantur*; that is, concerning the composition of police corps in each hundred. Then the law itself: "For the maintenance of the public safety we ordain that in the circumscription of each hundred, whether on the property of the fisc or on ordinary property, shall be chosen members forming the corps of police (*trustis*) whose fidelity and vigilance shall assure the maintenance of the said safety." The law decrees that the free persons composing this body of police shall be chosen *de fiscalibus et omnium domibus*; over the whole extent of the hundred, as well on the domains of the fisc as on the common domains. The immunity, therefore, in other respects enjoyed by the domains of the fisc, is not to be a cause of exemption from this service of public order.

As appears from these different texts, *trustis* does not designate an organized institution, a category of persons belonging to a higher legal condition. M. Deloche has with justice called attention to the fact that persons *in truste regis* did not enjoy the privileges attributed to them by Montesquieu, Guérard, and Pardessus; he might have pushed his investigations further. He might have proved that the triple *wergeld* of these persons is explained by the same reason as the triple *wergeld* of the *graphio*, of the *sacebaro*, of the *legadarius* (ambassador), of the *missus* (*quando in missaticum directus fuerit*), and certainly no one imagines that the *graphio*, etc., were persons of any particularly permanent legal condition.

In conclusion, although this work appears to us to support an untenable thesis, yet if one takes into account the obscurity which still surrounds a great number of points in the Germanic laws and institutions, as well as the great difficulties which the sources of that historical period offer to the investigator, one is bound to concede to the book a certain scientific value, and to acknowledge in the author a wide acquaintance with the ancient historical literature, both French and German, although he is less familiar with the more recent German works.

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